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JOURNAL

OF THE

SENATE,

OF THE

STATE OF TENNESSEE,

AT THE

Nineteenth General Assembly, 1st sess.

HELD AT NASHVILLE.

F. S. HEISKELL & A. A. HALL,
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1831.

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JOURNAL

OF THE

SENATE.

Journal of the Senate at a Session of the General Assembly of the State of Tennessee, began and held at Nashville, on Monday the 19th day of September, A. D. 1831, being the first Session of the Nineteenth General Assembly of this State.

The following named members of the Senate appeared, produced their credentials, and took their seats, the oaths required by the Constitution being administered by Robert C. Foster, Esq., one of the Justices of the Peace for Davidson County.—(*To wit:*)

From the Counties of Carter, Sullivan and Hawkins—*Abraham McClellan.*

" Washington, Greene, Cocke and Sevier—*James W. Wyly.*

" Grainger, Claiborne, Campbell and Jefferson—*John M. Brabson.*

" Blount, Monroe and McMinn—*John F. Gillespy.*

" Anderson and Knox—*Robert M. Anderson.*

" Morgan, Roane, Rhea, Bledsoe, Marion and Hamilton—*James I. Greene.*

" Franklin and Warren—*Isham Perkins.*

" White, Overton, Fentress and Jackson—*James T. Holman.*

" Smith and Sumner—*David Burford.*

" Wilson—*Burchett Douglass.*

" Rutherford and Williamson—*Robert Jetton.*

" Bedford—*Theo. F. Bradford.*

" Lincoln and Giles—*William H. Field.*

" Maury—*Lucius J. Polk.*

" Davidson—*William Lytle.*

" Robertson, Montgomery and Dickson—*Henry Frey.*

" Hickman, Lawrence, Wayne, Hardin and McNairy—*William Davis.*

" Stewart, Humphreys, Perry and Henderson—*Cullen Andrews.*

" Henry, Carroll, Dyer, Obion, Weakly and Gibson—*Robert Murray.*

" Madison, Hardeman, Fayette, Shelby, Tipton and Haywood—*Duncan McIver.*

The Senate then proceeded to the election of a Speaker, when on collecting and counting out the ballots, it appeared that Burchett Douglass, the Senator from the County of Wilson was duly elected Speaker, who thereupon took the chair.

The Senate next proceeded by ballot to the election of a principal Clerk. When upon collecting and counting the ballots, William K. Hill was duly and constitutionally elected. Whereupon an oath to support the constitution of the United States and of the State of Tennessee, together with an oath of office were administered to him by Robert C. Foster, Esq., and then he took his seat at the Clerk's table.

The Senate next proceed by ballot to the appointment of an engrossing Clerk, and on collecting and counting out the ballots upon the tenth balloting it appeared that Luke Lea, Jun. was duly elected, who thereupon took an oath to support the constitution of the United States, and of the State of Tennessee, together with the oath of office, and then he took his seat at the clerk's table.

The Senate next proceeded by ballot to the election of a door keeper, when on collecting and counting out the ballots upon the 15th balloting, it appeared that James Hickey was duly elected, who was ordered to give his attendance accordingly.

Ordered, That the Clerk do by message inform the House of Representatives that the Senate have formed a quorum, and of the appointment of its several officers, and are ready to proceed to business.

The following message was then received from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

I am directed to inform the Senate that a quorum of the House of Representatives have this day assembled in pursuance of the constitution of the State of Tennessee.

They have chosen Mr. Frederick W. Huling, the Representative from Montgomery County, their Speaker, Thomas J. Campbell, their Clerk, James A. Whiteside, their Assistant Clerk, James McDowell, their Door Keeper, and Joseph Hickey, their Assistant, and are ready to proceed to business.

They have adopted a resolution directing the appointment of a select Committee to join such Committee as may be appointed on the part of the Senate, to wait on his Excellency the Governor, and inform him that the two branches of the General Assembly are ready to receive any communication he may think proper to make them, and have appointed Mr. Inge, Mr. McLean, Mr. Hurst, Mr Dunlap, Mr. Holland and Mr. Cheatham, said committee on their part. And then he withdrew.

The Senate concurred with said resolution and appointed on their part, Mr. Frey, Mr. Greene and Mr. Wyly.

Mr. Bradford submitted the following resolution.

Resolved, That a select Committee be appointed to draft rules of order and decorum for the government of the Senate, which was adopted, and the Speaker appointed Mr. Bradford and Mr. Frey said committee.

Mr Burford the following, which was adopted;

Resolved, That a select committee be appointed to contract for such Job Printing as may be ordered by the senate during the present session of the General Assembly. The Speaker appointed Mr. Burford and Mr. McIver said committee.

Mr. Burford also submitted the following,

Resolved, That the rules adopted for the government of the Senate at the last session of the Legislature, be in force and use for the government of the present Senate, until altered or amended, which was adopted.

And then the Senate adjourned until to-morrow morning 9 o'clock.

TUESDAY, SEPTEMBER 20TH, 1831.

Mr. Bradford submitted the following resolution;

Resolved, That a Committee be appointed to draft rules for the government of the intercourse of the two houses of the General Assembly, and that they act jointly with the committee on the part of the House of Representatives.

Mr. Frey the following,

Resolved, That the following Standing Committees be appointed, (to wit:)

Committee on Privileges and Elections.
" on Propositions and Grievances.
" on Land Claims.
" on Claims.
" on the Judiciary.
" on Banks.
" on Education and Common Schools.
" on the Penitentiary.
" on Enrollments.
" on the Militia.
" on Internal Improvements.
" on Justices of the Peace and Captain's Companies.
" on Public Printing.
" on Divorces.

And that a Joint and Select Committee be appointed on Finance.

Mr. Frey also submitted the following,

Resolved, That a Select Committee, be appointed to contract for Stationary for the use of the Senate during the present session; and the rule requiring resolutions to lie one day on the ta-

ble, being suspended, said resolutions were adopted. The Speaker appointed Mr. Bradford, Mr. Polk and Mr. Davis, the committee on Mr. Bradford's resolution. And Mr. Frey, Mr. Murray and Field on Mr. Frey's last resolution.

Mr. Gillespy submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That the Secretary of State furnish the General Assembly with any acts and journals of the several Legislatures of this State that may be in his office, and that he furnish each House of this General Assembly with a copy of Haywood and Cobb's Revisal for the use of the Members. And the rule being suspended, said resolution was adopted, and the Clerk ordered to acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Frey from the committee appointed to wait upon his Excellency the Governor, reported, that the committee had performed that duty, and that his Excellency would forthwith make his communication;

Whereupon the following message was received from his Excellency, by Thomas H. Fletcher, Esq. Secretary of State, and read at the clerk's table:

Fellow citizens of the Senate,
and of the House of Representatives,

The circumstance of your assembling together, clothed with authority by a free people, to deliberate and decide on their dearest interests, is a spectacle calculated to excite the most pleasing emotions in the breast of every real patriot.—This high privilege is only enjoyed to the same extent by the citizens of our great republic; and it furnishes a happy illustration of the principle, that the people do in fact govern themselves.

In your deliberations, you may rely upon my cordial support in all measures that are calculated to advance the happiness and prosperity of our beloved country. And the opinions which I entertain upon the subjects which I shall bring to your consideration, shall be offered briefly, but with candor. It will be for you to determine upon their correctness, and to sustain or oppose them as your better judgments may direct.

In the communication which I made at the commencement of the last session of the General Assembly, I urged the propriety of a strict examination of the affairs of the State Bank, from a conviction that many of its officers and agents had disregarded the trust reposed in them, by using the public funds for their own private advantage. The joint committee, to whom was referred the duty of inquiring into the condition of the bank, discovered that the officers of the principal institution at Nashville, were defaulters to a large amount; but the near approach of the termination of the session, when this information was obtained, rendered it impracticable, at that time, to ascertain the precise deficiency

The new directory however were authorized to bring the business to a close as soon as possible; this they have not yet entirely accomplished, although great diligence has been used for that purpose. Nearly two hundred thousand dollars have been obtained from the cashier and clerk, and it is to be feared that there is still a considerable sum in default. When it shall be accurately known, a hope is entertained, that the securities of the cashier will be disposed to settle, in a manner satisfactory to the State. Although there is every reason to apprehend that a loss will be sustained at the principal bank in Nashville, yet it is believed that a much greater proportionable deficiency will be found to exist at the agencies. The report of General Smith, of the examination which he has made of the agencies in West Tennessee, is now before me, and it exhibits extensive insolvencies on the part of the debtors and great inaccuracies in the transaction of the publicbusiness by most of the agents. The amount due at the agencies in West Tennessee is about two hundred and fifty thousand dollars, and of this sum at least sixty thousand dollars, and probably more will be certainly lost. The gentleman appointed to examine the East Tennessee agencies, has not reported; but it cannot be otherwise, than that some loss will also be sustained in that end of the State. From this view of the subject, it is palpable, that the State has already incurred a heavy injury, and that most of its funds are in great jeopardy. What then can be done to secure the interest of the country? The answer is obvious. Measures must be immediately adopted to close the affairs of the bank with as little delay as possible, taking care not to oppress the debtor part of society. The better to secure this purpose, I would recommend that an agent of industry and talents be appointed to visit the agencies, fully authorised to settle with each debtor; allowing a reasonable indulgence for payment to all those who may give unquestionable security for the discharge of their debts. Where the debtor should refuse to accede to these terms, suit should be instituted against him, in order that a period might be looked to when the affairs of the bank would be finally closed. No objection can well be made to this course, more especially as the community can receive no benefit, from continuing the operations of the institution, as it is at present organized. And the great expense of the principal bank and its numerous branches, imposes a heavy tax upon the industry of the people without the least equivaleut. It is a principle well supported by experience, that the farmer engaged in the peaceful cultivation of the soil cannot afford, by the small profits of his labor, to pay the ordinary interest of six per cent. How then can he borrow from the State Bank without almost certain ruin, when the lawful interest in most instances, is not half the charge to which he is made liable. He can borrow but a small amount, and when he obtains the money,

as well as at every renewal, he has to pay for a blank note and a power of attorney. In addition to this, the borrower and his securities lose twelve days labor in each year, by attending at the agents every three months to renew their notes. And on failure to comply with the requisitions of the bank, the president is authorised to confess judgment against the principal and his securities, which in some instances creates a charge for costs equal to the debt. The farmer who wishes to be prosperous and happy, must neither borrow money nor contract debts founded upon the anticipated proceeds of his labor. His success depends upon industry and economy—upon his living almost exclusively within his own means, and manufacturing at home, most of the articles of clothing essential to the wants of his family.

There is an additional reason for closing the affairs of the bank, entitled to great weight. A very laudable spirit prevails throughout the State in favor of internal improvements; but this object cannot be accomplished without the aid of money. Sound policy would therefore seem to dictate the propriety of collecting the funds of the bank as speedily as possible, and applying a portion of them at least, in the construction of roads and improving the navigation of our rivers. There is no State in the Union, where the materials for making roads are in greater abundance; and yet at that season of the year when the produce of the country is brought to market, our present roads are almost impassable. With a view to their improvement, I would recommend the propriety of incorporating companies, imposing such restrictions and extending to them such privileges, as are approved by the experience of other States, where such companies have long existed; and for the purpose of encouraging that kind of associations, the State should be authorised to subscribe one half, or at least one third of the stock. This plan has been successfully pursued in Pennsylvania for the last fifteen years, and the extent of her improvements during that time has been without example in the history of any country, in proportion to her population. Good roads and the certain navigation of our rivers, have such an important bearing upon agriculture, commerce and the growing prosperity of our State, that I cannot but earnestly recommend to your attention, the propriety of adopting such a system of internal improvements, as we can certainly achieve by our own resources.

The commissioners appointed at the last session to constitute a board of internal improvements, held their first meeting at Nashville, in May 1830. Measures were then taken to employ an Engineer, for the purpose of making surveys and estimates of the expense of constructing roads and improving the navigation of our rivers. A gentleman was engaged for that purpose, who was expected to enter the service of Tennessee, on his having completed some work he had previously undertaken to perform. It

was contemplated that he would be able to commence his labors for us, early in the past summer; but owing to ill health, he was obliged to decline all attention to business, of which fact he advised us last spring. I am pleased to state, however, that the services of another gentleman have been procured, who has been recently employed in making a survey of the *Suck*, *Boiling Pot* and *Tumbling Shoals* of Tennessee river: and it is thought that he will also be able to make an examination of Harpeth shoals on Cumberland river, in time for all his reports to be laid before your body, at the present session. Those two rivers being the principal outlets to the produce of East and Middle Tennessee, the removal of obstructions in them, would seem to be entitled to your first attention.

In compliance with the act of the last session, authorizing the building of a Penitentiary, the commissioners who were appointed to superintend the erection of a suitable edifice, entered upon the duties assigned to them immediately after the adjournment of the Legislature, in January, 1830. That they might avail themselves of all the improvements which experience had made manifest, plans of the best constructed eastern penitentiaries were procured, by an agent sent specially for that purpose. A site was obtained upon which to erect the buildings, a mile south-west of the court house in Nashville, uniting more advantages than any other which could be had in the vicinity. At the commencement of the work, a question of some delicacy presented itself for the consideration of the commissioners, whether it should be upon a plan that could be finished for the amount appropriated, or so extensive that it would answer the purposes of the State for a long period to come, without there being a necessity of making alterations or additions hereafter. The difficulty of adopting a course to be pursued, was greatly lessened by the known and often expressed opinions of the members of the last legislature. No one of them entertained a belief that a penitentiary could be erected with sufficient accommodations, for double the sum appropriated; and it was expected by all, that a large additional sum to complete it, would have to be granted. The commissioners therefore conceived it proper to commence the buildings upon a plan so extensive, that no future appropriations would be required, to erect additional houses, as the convicts increased in number. I could not but cordially approve of this course, as I was sensible that the amount appropriated, was wholly inadequate to erect an institution suitable to our future wants; and if the work had been discontinued when the appropriation was exhausted, the buildings would have sustained great injury by time and weather, before the meeting of the present General Assembly. The work was commenced on the first of April 1830; and proceeded with so much rapidity, that I was enabled on the first

of January last, in compliance with the law, to issue a proclamation, setting forth that the penitentiary was in a state and condition for the reception of convicts. Since then nineteen convicts have been received, who conduct themselves with great propriety, and more than cover all their expenses by the profits of their labor. During the present year, two carpenters and a part of the convicts have been employed in finishing the buildings, and the Penitentiary is now complete with the exception of some cell doors, work shops and out houses, all of which can be done by the convicts at a small expense. The whole amount expended is less than fifty thousand dollars, and it is confidently asserted that no establishment of the kind in the United States, of equal dimensions, has been built on terms so reasonable. It is due to the commissioners to say, that much of their time was employed in superintending the work; and that to their zeal and correct knowledge of the value of mechanical labor, may be attributed in a great degree, the celerity with which the buildings were erected, and the economy which prevailed in their construction.

For many years I have advocated the Penitentiary system from a full conviction that it afforded the best means, not only of graduating punishment according to the magnitude of crime, but also of reforming the guilty. The circumstances which develope themselves on the trial of an individual charged with a criminal offence, afford an opportunity of judging of his depravity, and the time of his imprisonment can be determined by the jury accordingly. Not so under the old law. The guilty, whether a young and pliant offender, or an old and hardened transgressor, was alike subject to the punishment of the whipping post and the branding iron. Will such cruelty produce reformation? Is it not much more reasonable to expect that the unfortunate victim of the law, feeling his degraded condition, will go forth armed with the spirit of revenge, determined to commit new outrages upon that community by whose laws he has been rendered infamous? If reformation can be produced it is most reasonable to expect it under the influence of the penitentiary system. The violator of the law of his country is shut up within the walls of a prison—secluded from a knowledge of passing events, obliged to labor throughout the day, without an opportunity of holding converse with his fellow convicts, and when his daily labor is over, is locked up in a cell, with no other companion than his bible and his own thoughts. Surely in his retirement he will reflect on the follies of his past ill spent life—if reformation do not follow, he will at least be making some atonement to the community he has injured by laboring for his support, and however ungovernable and refractory his disposition may be, he will be prevented from the commission of crime during his confinement.

It cannot be expected that the expense of the institution, for

some time to come, will be fully defrayed by the labor of the convicts; but when the workshops are completed and other improvements are made, the prisoners will all be constantly engaged in some mechanical employment, which will produce a profit on their labor. When their number is increased to thirty-five or forty, if well managed, the prison will be no longer a charge on the State. It is believed that its clear gain will cover the salary of officers, and all other contingent disbursements. This conclusion is sustained by the experience of all well conducted penitentiaries. The proceeds of the labor of the average number of about one hundred and fifty prisoners at Weathersfield, Connecticut, exceed the whole expense of their support, including the salary of the officers, more than five thousand dollars a year. At Baltimore, for the last seven years the average profits of the penitentiary has been upwards of ten thousand dollars annually. Other institutions present the same favorable results, and there is every reason to believe that we may soon calculate on similar advantages. Even now, at the commencement of its operations, the prison is less expensive to the State, than was our old system of criminal law. A few years ago I addressed letters to the clerks of the county and circuit courts, requesting an account of the expense of the confinement of criminals in the county jails after conviction. The result of my inquiry was, that it was little short of twelve thousand dollars a year. From this charge we are now entirely relieved. The present criminal code may be defective; if so, the power of correcting it is with you. In conclusion, I must be permitted to add, that the Penitentiary system has been adopted in this State, by the representatives of the people—that an ardent hope is entertained that it will answer all the purposes of usefulness that were predicted by its friends; and that those who have been heretofore honestly opposed to it, will, now that it is in operation, be disposed to give it a fair trial, and not assail or abandon it, until we have a clear manifestation of its inutility.

It is a source of melancholy regret that three fourths of the unhappy inmates of prisons acknowledge, that the too free use of ardent spirits was the leading cause of the commission of the crimes for which they were convicted. Nor is it less a subject of regret that nine tenths of the pauperism in the Eastern cities, arises from intemperance. Is there no remedy for this alarming, evil, which cuts off so many citizens in early life, and brings so much sorrow and misery on inocent families? I answer that there is. Pass a law prohibiting the county courts from granting to any one, a license to retail spirituous liquors, unless he be a man of known character for honesty, whose business is that of an inn keeper, with suitable accommodations for travellers; and punish with severity those who violate the law. Little hesitation should be felt in adopting this course, especially as it is well

known, that drunkenness, theft, robbery, gambling and murder, generally have their origin in the grog shops of our towns and villages. When we see the wise and the virtuous every where uniting their influence for the suppression of intemperance, and when we consider its destructive effect upon the peace and morals of society, it is surely our duty to aid in countering its influence.

A general wish appears to prevail that some change should be made in our Judiciary system. If experience has proved that the present system is insufficient for the prompt discharge of public business, there is, as I apprehend, no constitutional prohibition to a radical change, but if the object be to make partial alterations, with a view to the removal of any of the judiciaal incumbents, I would respectfully suggest that such a course is fraught with hazardous consequences. Whatever has a tendency to weaken the independence and stability of the judicial branch of the government is dangerous to the rights and liberties of the people: for can it be supposed that a Judge who holds his appointment subject to the control of the Legislature at every session, is as well qualified to make impartial decisions, as one who has a reasonable certainty of the undisturbed possession of office during his good behaviour.

By the third article of the convention of eighteen hundred and twenty, regulating the boundary between the states of Kentucky and Tennessee, it is provided that whenever the Governor of either state, shall deem it expedient to have the line between the two States run and plainly marked, he shall cause a notification therof to be communicated to the Governor of the other State, and thereupon two surveyors shall be appointed, one by the Governor of each State to ascertain, survey and plainly mark what is known by the name of Walker's line. The Governor of Kentucky, in accordance with this stipulation, notified me early in September last, that he was desirous to have the line run, and marked adjoining the counties of Trigg, Simpson and Allen, and solicited the co-operation of this State. Mr. James Bright was accordingly appointed surveyor in behalf of Tennessee, and he and Dr. Munsell of Kentucky, commenced the duty assigned them early in November.—On tracing and marking the line, it was discovered that at a certain beach tree near Drake's creek, the reputed line took an offset south sixty-two degrees west to a black jack, on the road leading from Nashville to Lexington, and thence it took another offset northwardly to a gum tree, standing in Walker's original line. The surveyors continued the line and found no other difficulty, till within a mile of Cumberland river, where it terminated; but they extended it according to its course at its termination across the Tennessee river. On running a line due north from where they struck the Tennessee, they intersected a line said to have been run by Walker. The citizens west of

Cumberland river between those two lines, have been considered as belonging to Tennessee, and have always been subjected to the jurisdiction of her laws. The Legislature of Kentucky in acting upon the subject, admit the north line between the rivers, Cumberland and Tennessee, as the permanent division line between the two States at this point; and claim their right to the triangular territory on the road leading from Nashville to Lexington. As this arrangement is in perfect accordance with what has been hitherto known and acted upon as Walker's line by the border settlers of each State, I recommend that the line as run by Munsel and Bright, and ratified by the State of Kentucky, be recognized by you as the true and permanent line of boundary between the two States. As there is no law authorising the payment of the surveyor, chain carriers and markers, an appropriation for that purpose will be required at the present session.

The General Assembly of Mississippi passed a resolution at their last session, directing the Governor to appoint a suitable person to ascertain and designate the point, where the 35th degree of north latitude crosses the Mississippi river, for the purpose, as is alleged, of hereafter establishing the line between that State and Tennessee. The Governor addressed a letter to me, requesting the co operation of Tennessee in accomplishing the business. In reply, I informed him that I had no authority to make an appointment for that purpose; and requested him to delay the execution of the work, until after the commencement of your present meeting, expressing a conviction that you would authorise the appointment of some person to aid in procuring the information which he desired. Notwithstanding it is believed that the line as established by the commissioner of the United States in 1812, was run with great care and accuracy, yet the courtesy which is due to a sister State, would seem to require that some person of scientific attainments should be appointed to aid in ascertaining the true point at which the 35th degree of north latitude crosses the Mississippi.

It will be necessary at the present session to pass a law authorising the choice of electors to vote for President and Vice President of the United States; and in the performance of this duty, regard must be had to the act of Congress fixing the time at which the election is to be held, and also the period when the electors must meet for the purpose of voting. In order that we may have our full weight in the elections for President and Vice President hereafter, I would recommend that the general ticket system be adopted. It is true that no danger of division is to be apprehended at the approaching election; but in future when we may differ in our choice, an individual by the force of circumstances, may, under the arrangement by districts, obtain a plurality of electo-

ral votes, to whom a majority of the States may be decidedly opposed.

Since the close of the last session, the following temporary appointments have been made;—William A. Cook, Esquire, Chancellor; Thomas H. Fletcher, Esquire, Secretary of State; Broomfield L. Ridley, Esquire, Attorney General for the fifth Solicitorial District; and Gideon J. Pillow, Esquire, Attorney General for the ninth Solicitorial District. These appointments were made to fill vacancies occasioned by the resignations of the former incumbents. As the commissions under which the present officers act, will expire at the end of this session, the duty of making permanent appointments will devolve upon you before your adjournment.

In casting a glance at the present condition of our State it is gratifying to observe its eminent prosperity. The rapidity of its recent growth, the important relative position it has attained among its sister States—the fertility of its soil, and the industry and enterprise of its citizens, afford abundant cause for grateful reflection and mutual congratulation. At no former period has the general welfare of our citizens been more obvious and satisfactory With a rich profusion of the necessaries and comforts of life, the hand of labor is now uniformly rewarded with an adequate return. Poverty and distress are unknown except as the result of indolence, crime, or of some peculiar casualty from the effects of which, relief is almost instantly attainable. It is a source likewise, of the utmost satisfaction, that in extending our views beyond the limits of our own State, we find ourselves citizens of a great federal republic, whose progressive improvement has been rapid and extensive beyond the example of any other nation, and whose condition at present, under the auspices of a chief magistrate, selected from among our own fellow citizens, affords all the blessings of freedom and protection at home, and furnishes an object of admiration and respect to the rest of the world. Blessed with peace, and the prospect of preserving it, and yet fully prepared for all the dangers and privations of war, with a commerce that renders tributary to us the resources of other nations—with a rich and overflowing treasury, and a national debt nearly extinguished, we have abundant cause of gratitude for the unprecedented success which has attended the experiment of our peculiar form of government, combining as it does, the strength and energy for national security and greatness, with the most perfect freedom and protection to the rights and interests of all.

WM. CARROLL.

EXECUTIVE OFFICE,
Nashville, September 19, 1831.

Mr. Bradford submitted the following.

Resolved, That a committee be appointed to take into considera-

tion that part of the Governor's Message, in relation to the election of a President and Vice President of the United States.

Mr. Burford the following:

Resolved, That a select committee be appointed to take into consideration so much of the Governor's Message as relates to the boundary line between the States of Tennessee and Kentucky.

Mr. Burford from the committee appointed to contract for such Job Printing as may be ordered by the Senate during the present session, made the following report:

That the committee have consulted the several printers in Nashville on that subject, and have received propositions, or offers, from the Editors of the "Whig & Banner," "Republican" and Herald," all of which propositions are the same as to the price for the different kinds of printing, and on a consultation with a similar committee appointed by the House of Representatives, have agreed to recommend a division of the Job Printing of the two Houses; and we on our part recommend the acceptance of the proposition, or offer, of "Hunt, Tardiff & Co." editors of the "Whig & Banner," which proposition the committee herewith submit to the Senate.

OFFICE OF THE WHIG & BANNER,
Nashville, 19th *September*, 1831.

Gentlemen,

We will execute the Job printing for the Senate during the present session of the General Assembly on the same terms as that of the last session was executed.

(To wit:)

One dollar and twelve and a half cents for 1000 ems for composition, and one dollar and twelve and a half cents per token for press work.

Rule and figure work double price. Work partly plain and partly in figures fifty per cent. addition to the price of plain work.

Paper ten per cent. advance on cost.

Very Respectfully,
Your ob't servants,
HUNT, TARDIFF & Co.

Said report was read and concurred with, and the proposition accepted.

Ordered, That the Clerk procure such Job Printing from Messrs. Hunt, Tardiff, & co.

On motion of Mr. Frey,

Ordered, That four thousand copies of the Governor's message be printed for the use of the Senate.

A message from the House of Representatives by Mr. Campbell their Clerk.

MR. SPEAKER,

The House of Representatives, have read and adopted a resolution directing the President and Directors of the Bank of the State of Tennessee to report the amount of the available funds in said Bank, and its Agencies and for other purposes, to which they ask your concurrence, and then he withdrew.

Said Resolution was on motion of Mr. Bradford ordered to lie on the table.

Mr. Anderson submitted the following,

Resolved, That so much of the Governor's message as relates to Internal Improvement be referred to the Standing Committee on that subject.

Mr. Davis the following,

Resolved, By the General Assembly of the State of Tennessee, that the Senate meet the House of Representatives in the Representative Hall on Saturday the 24th instant, for the purpose of electing an Attorney General for the 12th Solicitorial District of the State of Tennessee.

Mr. Gillespy the following,

Resolved, By the General Assembly of the State of Tennessee, that the President and Board of Commissioners of the Penitentiary of this State, report to this General Assembly the amount of monies by them expended in the erection of the Public Jail and Penitentiary of this State; the amount by them drawn from the Bank of the State of Tennessee for that purpose and by what authority the same has been drawn.

Agreeable to the rule of the Senate said resolutions lie upon the table one day.

Mr. Bradford from the joint select committee, appointed to draft rules for the government of the intercourse between the two branches of the General Assembly.

Reported the following;

RULE 1. All communications from one House to the other shall be transmitted by the Clerk's respectively, and the clerk who bears the communication shall address the Speaker at the bar of the House to which he goes, and inform him of the object of his message.

RULE 2. All Bills introduced into either house of the General Assembly shall be read, and if passed endorsed by the Clerk and transmitted to the other house according to the rules of each house.

RULE 3. Each house shall mature its own bills and resolutions previous to their being transmitted to the other house.

Rule 4. Committees of Conference shall be appointed at the discretion of each House.

THEO. F. BRADFORD,
Chairman.

Said Report was concurred in by the Senate, with the exception of the third rule, which was, on motion of Mr. Gillespy, ordered to lie on the table.

And the Senate adjourned until tomorrow morning 9 o'clock.

WEDNESDAY, SEPTEMBER 21st, 1831.

Mr. Frey from the committee appointed to contract for Stationary for the use of the Senate during the present session, made the following report:

That the committee had received proposals from Duncan, Roberts & son, and from Eichbaum & Norvell, and that they were of opinion that the proposals made by the latter ought to be acceded to. They have therefore contracted with Eichbaum & Norvell to furnish Stationary at the following prices: (to wit.)

Best Writing paper,	$5 00 per ream.
Best Letter,	4 25 " "
Quills, No. 50,	2 12 12
Writing Ink,	1 00 per gallon.
Wafers,	1 50 " pound.
Sperm Candles,	" 33 1-3 "
Post Office paper,	6 00 " ream
Sand,	" 75 00 doz.

And all other articles that may be necessary at the lowest selling prices.

All of which is respectfully submitted.

H. FREY, *Chairman.*

Mr. Anderson presented the return of the clerk of the circuit court of Knox county in pursuance of a resolution of the General Assembly of 1829.

The amount of State tax paid to the Treasurer of East Tennessee for the years ending 1829 & 1830, by said clerk, and also the return of the clerk of the county court of said county, on the same subject, which were, on motion of Mr. Anderson referred to the committee on finance.

Mr. Anderson also presented the return of the clerk of the county court of Knox county of the number of Justices of the Peace and captain's companies in said county, which was referred, on motion of Mr. Anderson, to the committee on captain's companies, and Justices of the Peace.

Mr. Polk presented the return of the Maury county chancery clerk, the returns of the sheriff and of the county court clerk of said county, shewing the amount of revenue and tax, together with the return of the clerk, shewing the number of Justices of the

Peace and captain's companies in said county; all of which were on motion of Mr. Polk, referred to their appropriate committees.

Mr. Maury, the returns of the clerk of the county court of Carroll, shewing the aggregate amount of taxes, and the number of Justices of the Peace and captain's companies in said county.

Mr. Holman, the return of Trent C. Connor clerk of the Supreme Court of Errors and Appeals.

Mr. Davis, the returns of the county court clerk of Laurence county, shewing the amount of revenue and taxes, the number of Justices of the Peace in said county, and also the return of the circuit court clerk of McNairy county, shewing the number of causes docketed in said county from May term 1826 to May term 1831.

Mr. Greene, the returns of the county court clerk of Roane county, and the said circuit court clerk of said county, shewing the amount of revenues and taxes, and the number of Justices of the Peace in said county, and also the return of the clerk of the chancery court at Kingston, giving a statement of the amount of taxes collected on suits for the years 1829 and 1830.

Mr. Frey, the return of John Montgomery, clerk and master of the chancery court at Charlott, shewing the amount of taxes by him collected and owing.

Mr. Gillespy, the returns of the clerk of the court of Pleas and quarter sessions for Monroe county, and the returns of the clerk of the county court of McMinn county, shewing the amount of revenues and taxes, Justices of the Peace and Captain's Compa nies in said counties. All of which were referred to their appropriate committees.

Mr. Bradford's resolution of yesterday, appointing a committee to take into consideration that part of the Governor's message which relates to the election of the President and Vice President of the United States, was taken up and read. Mr. Gillespy moved to amend said resolution by making it joint—which motion was lost. The resolution was then adopted, and the Speaker appointed, Mr. Bradford, Mr. Anderson, Mr. Perkins, Mr. Andrews and *Mr.* Frey, said committee.

Mr. Burford's resolution of yesterday, appointing a committee to take into consideration so much of the Governor's message as relates to the boundary line between the States of Kentucky and Tennessee was taken up, read and adopted.—The Speaker appointed *Mr.* Burford, *Mr.* Frey, *Mr.* Holman and *Mr.* Wyly, said committee.

Mr. Gillespy's resolution of yesterday directory to the commissioners appointed to superintend the building of the Penitentiary was taken up and read, and on motion of *Mr.* Greene, ordered to lie on the table.

Mr. Anderson's resolution of yesterday, referring so much of

the Governor's message as relates to Internal Improvement, to the Standing Committee, on that subject, was adopted.

Mr. Davis' resolution of yesterday, to meet the House of Representatives in their Hall on Saturday next for the purpose of going into the election of an Attorney General for the 12th district, was, on motion of *Mr.* Davis, ordered to lie on the table.

The third rule, as reported by the committee for the government of the intercourse of the two branches of the General Assembly, was taken up and read. *Mr.* Gillespie moved a nonconcurrence therewith, on the part of the Senate—which motion was lost. *Mr.* Burford moved to lay it again upon the table—which prevailed.

A message from the House of Representatives by *Mr.* Campbell their clerk.

MR. SPEAKER,

The House of Representatives nonconcur with your resolution directory to the Secretary of State. And then he withdrew.

Mr. Gillespy submitted the following:

Resolved, That the Secretary of State be hereby directed and required to furnish the Senate with any acts and journals of the Legislature of this State that may be in his office when called on for that purpose, and also with six copies of Haywood's and Cobb's Revisal for the use of the members of the Senate; and the rule being suspended, said resolution was adopted.

Mr. Bradford from the committee appointed to draft rules for the government of the Senate, reported the following:

Rule 1. When the Speaker is in the chair, every member shall come into the House with his head uncovered, and shall continue so at all times, when the Senate is in session.

2nd. When the Speaker has taken the chair, and two thirds of the members present, the clerk shall read the Journal of the preceding day.

3rd. When the Journal or other public documents are reading, and,

When a member is speaking, there shall be no interruption. The attendance of each member is expected.

4th. Each member when he speaks shall address himself to the Speaker or Chairman (as the case may be) who shall give his attention by naming the member, who, when he has finished, shall sit down.

5th. When any motion shall be before the Senate and not properly understood, the Speaker may explain, but shall not, in such explanation, use arguments.

6th. If two or more members shall rise to speak at the same time, the Speaker shall decide which shall have preference.

7th. The Speaker may debate on any question proposed ac-

cording to the rules of the Senate, provided he leaves the chair and speaks before the argument is closed.

8th. Any member digressing from the subject, or using personal observations or reflections, shall be called to order by the Speaker, Chairman or any member present.

9th. All motions of a general nature shall be committed to writing, and seconded before they shall be considered in the possession of the Senate.

10th. No member shall speak more than twice on the same subject, without leave of the Senate, unless in committee of the whole.

11th. No member shall absent himself from the service of the Senate without leave first obtained.

12th. No member shall pass between the Speaker and any member while speaking.

13th. When the vote upon any question before the Senate is taken, those in favor of the question shall express their assent by rising or saying "aye," and those against it by sitting, or saying "nay," as required by the Speaker.

14th All bills withdrawn for amendment or other purposes, shall be returned within three days.

15th. It shall be deemed out of order for any member to be on his feet when the Speaker is addressing the Senate.

16th. The first member named on any committee shall be deemed, and shall act, as Chairman of said committee.

17th. On motion of any member and such motion seconded, the vote shall be taken by "yeas" and "nays" provided the motion is made before the division of the question is pronounced by the Speaker.

16th. When any question before the Senate shall be decided in the affirmative or negative, it shall be in order for any member of the majority to move for a re-consideration thereof within the same day, and no question shall be reconsidered more than once.

19th. It shall be the duty of the doorkeeper to keep all persons from mixing with the members while in session, unless specially invited to sit within the bar of the Senate.

20th. Petitions are to be called for by counties each morning, first in order after reading the journal, beginning with the most eastwardly and progressing westwardly. Tax returns may be presented at the same time and in the same order with petitions.

21st. Reports from standing committees shall be next in order, and reports from select committees shall be next in order. Reports from the committee of enrolments may be made at any time.

22nd. No amendment shall be made to any bill which contains provisions distinct and unconnected with the subject matter of said bill.

23rd. The Senate, when a majority shall so direct, may be resolved into a committee of the whole for the discussion of any question that may be depending before it.

24th. In all questions before the Senate, the Speaker shall vote, and in all questions where there is an equal vote, or tie, the question shall fail.

25th. The Senate shall at all times be considered in session when the Speaker takes the chair, and the roll shall never be called, unless on motion seconded.

26th. From the decision of the Speaker, upon all questions coming under these rules, any member dissatisfied therewith may appeal to the Senate.

27th. The regular hour for the meeting of the Senate, every morning, shall be 9 o'clock, unless otherwise ordered.

28th. All resolutions submitted to the Senate, shall lie one day on the table for consideration.

29th. All bills of a public and general nature, after being engrossed, shall be read to the Senate by the clerk before they are presented to the Speaker for his signature.

30th. An indefinite postponement of any bill or resolution, shall be considered a rejection, and shall not again be acted upon during the present session.

31st. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone for a certain day, to commit, or amend; which several motions shall have precedence, in the order they stand arranged.

Mr. Gillespy proposed the following amendment thereto.

SECT. 32. When the Ayes and Noes, are demanded on any question before the Senate, it shall be the duty of the clerk to record the name of the member, making the motion, and also the name of the member seconding the same.

All of which was concurred with and adopted.

On motion of Mr. Gillespy,

Ordered, That 25 copies of the foregoing rules be printed for the use of the Senate.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The H. of R. have adopted a resolution, that the President and Directors of the Bank of the State of Tennessee, be allowed until Monday next, to make their report of the state of the bank, in which they ask your concurrence, said resolution was non concurred with by the Senate. The House of Representatives have adopted a resolution that the Senate meet them in the Representative Hall, on Thursday the 29th inst. for

the purpose of going into the election of a Secretary of State.—They have also adopted the following resolution;

Resolved, By the General Assembly of the State of Tennessee, that Thomas P. Holman, James M. Cloyd, James M. Martin, Fergus S. Harris, Tavner Spradlin, Shadrick C. Smith and Silas Tarver, be appointed Justices of the Peace for Wilson County, to all of which they ask your concurrence. And then he withdrew.

Ordered, That said message lie on the table.

The Speaker appointed the following Standing Committees (to wit:)

Committee on Privileges and Elections—Mr. Lytle, Mr. Perkins and Mr. McIver.

Committee on Propositions and Grievances—Mr. McIver, Mr. Jetton and Mr. Andrews.

Committee on Claims—Mr. Frey, Mr. Holman and Mr. Wyly.

Committee on the Judiciary—Mr. Gillespy, Mr. Anderson, Mr. Burford, Mr. Wyly, Mr. Bradford, Mr. Holman and Mr. Field.

Committee on Education and Common Schools—Mr. Jetton, Mr. Greene, Mr. Andrews, Mr. McClellan, Mr. Brabson and Mr. Polk.

Committee on the Penitentiary—Mr. Holman, Mr. Burford, Mr. Frey, Mr. Brabson and Mr. Davis.

Committee on Enrollments—Mr. Polk and Mr. Field.

Committee on the Militia—Mr. Wyly, Mr. McClellan, Mr. Perkins and Mr. Brabson.

Committee on Land Claims—Messrs. Davis, Lytle, Brabson, Field.

Committee on Internal Improvement—Mr. Greene, Mr. Perkins, Mr. McClellan, Mr. Jetton and Mr. Andrews.

Committee on Justices of the Peace and Captain's Companies—Mr. Field, Mr. Davis, Mr. McIver and Mr. Wyly.

Committee on Public Printing—Mr. Bradford, Mr. Gillespy and Mr. Lytle.

Committee on Divorces—Mr. M'Clellan, Mr. Anderson and Mr. Murray.

Committee on Finance—*Mr.* Frey, *Mr.* Gillespy and *Mr.* Green

Committee on Banks—Mr. Burford, *Mr.* Murray, *Mr.* Polk *Mr.* Bradford, *Mr.* Anderson and *Mr.* Gillespy,

Mr. Greene submitted the following,

Resolved, That so much of the Governor's message as relates to the winding up and bringing the the concerns of the Bank of the State of Tennessee to a close, be referred to the Committee on Banks, and that they report thereon by bill otherwise.

Mr. Murray, the following,

Resolved, That a Committee be appointed to take into consideration that part of the Governor's message which relates to the dividing line between the State of Tennessee and *Mississippi*.

Mr. Gillespy the following,

Resolved, That a Standing Committee of the Senate be raised, to be denominated, the Committee on the Hiwassee District.

Mr. Greene, the following,

Resolved, That the Committee on Internal Improvements be instructed to inquire into the expediency of placing such portion of the funds as were set apart by the last Legislature for the purpose of Internal Improvement in East Tennessee, in the hands of the board of Internal Improvement, as may be deemed adequte to the removal of the obstructions to navigation in the Tennessee river, from the foot of the Boiling Pot to Knoxville, and that they report thereon.

Mr. Giilespy, the following,

Resolved, That the Committee of Internal Improvement be instructed to inquire into the expediency of providing by law for the appointment, of a separate and independent board of Internal Improvement for East Tennessee.

And *Mr.* Frey the following,

Resolved, That so much of the Governor's message as relates to the Penitentiary, be referred to the Committee on that subject.

Mr. Greene presented, the report of the Commissioners appointed at the last session of the Legislature, to superintend the building of the Public Jail and Penitentiary, which was read, and on motion of Mr. Gillispie ordered to lie on the table.

And then the Senate adjourned until to-morrow morning 9 o'clock

THURSDAY, SEPTEMBER 22D, 1831.

Mr. McClellan presented the returns of the Clerk of Sullivan County Court, shewing the amount of Taxes chargeable against said County, and also the number of Captain's Companies and Justices of the Peace.

Mr. Holman presented the returns of the Clerk and Sheriff of White County, shewing the amount of revenue and tax of said County for the years 1829 and 1830.

Mr. Davis presented the returns of the Clerks of the Circuit and County courts of *Mc*Nairy county, shewing the amount of revenue and tax of said county for the years 1828, 1829 and 1830.

Mr. Lytle presented the returns of the Clerk of the County Court of Davidson, shewing the amount of Taxes chargeable to the Sheriff and Treasurer for the years 1829 and 1830; and the number of Justices of the Peace and militia companies in said county.

Mr. Murray presented the returns of the Clerk of Henry County circuit court, and the returns of the Clerks of the circuit courts of Weakly county shewing the amount of taxes and militia com-

panies in said counties. All of which were referred to their appropriate committees.

Mr. Frey presented the petition of numerous citizens of Robertson county, in behalf of William Boyles, which was referred on motion of Mr. Frey to the committee on propositions and grievances.

Mr. Greene presented the petition of Francis Ellis; the petition of William Johnson, and the petition of James Harrison, praying relief for lands and improvements lost by them in the Hiwassee district. All of which on motion of Mr. Greene referred to the committee on the Hiwassee District.

Mr. Greene also presented, the petition of Alexander Dugger for a turnpike road, which was referred on motion of Mr. Greene to the committee on Internal Improvements.

The Senate concurred with the resolution from the House of Representatives to go into the election of Secretary of State on Thursday next, and in their resolution appointing justices of the peace for Wilson county. Ordered, that the clerk acquaint the House of Representatives therewith.

The following message was received from his Excellency, Wm. Carroll, by Thomas H. Fletcher, Esq. Secretary of State.

Fellow-Citizens of the Senate
and of the House of Representatives,

I transmit herewith the report of Samuel G. Smith, Esq. of the examination of the Agencies of the State Bank in West Tennessee, made in compliance with a resolution of the last session. Also the report of Captain Dumeste of a survey and estimate of the expense of removing the obsructions to navigation at the *Suck*, *Boiling Pot* and *Tumbling Shoals* in the Tennessee River.

WILLIAM CARROLL.

Executive Office,
Nashville, Sept. 22d, 1831.

Said reports were received and read, and ordered to be transmitted to the House of Representatives.

On motion of Mr. Greene, seconded by Mr. Gillespy, it was ordered that

One thousand copies of the report of Captain Dumeste (the Engineer) be printed for the use of the Senate.

On motion of Mr. Bradford it was ordered that two thousand copies of the report of Samuel G. Smith, (Bank Commissioner) be printed for the use of the Senate; and that a copy thereof be referred to the Committee on Banks.

Mr. Greene's resolution referring so much of the Governor's message as relates to winding up the concerns of the Bank of the State of Tennessee, to the committee on Banks, was taken up, read and adopted.

A resolution submitted on yesterday by Mr. Gillespy instructing the committee on internal improvement, to inquire into the expediency of providing by law for the appointment of a separate and independent board of internal improvement for East Tennessee, was taken up, read and adopted.

A resolution submitted yesterday by Mr. Murray, appointing a committee to take into consideration, that part of the Governor's message, which relates to the dividing line between the States of Tennessee and Mississippi, was taken up read and adopted. The Speaker appointed Mr. Murray, Mr. Davis, Mr. Andrews, and Mr. M'Iver, said committee.

A resolution submitted yesterday by Mr, Frev, referring so much of the Governor's message as relates to the Penitentiary, to the committee on that subject, was taken up, read and adopted.

A resolution, submitted by Mr. Gillespy on yesterday, proposing to raise a standing committee on the Hiwassee District was taken up and read. Mr. Greene moved an amendment thereto by adding "And that a select committee of five be appointed on Indian reservations," said amendment was received, and the resolution adopted. The Speaker appointed Mr. Greene, Mr. Perkins, Mr. Frey, Mr. Davis and Mr. Polk, the committee on the Hiwassee District; and Mr. Anderson, Mr. Gillespy, Mr. Lytle, Mr. Burford and Mr. Brabson, the committee on Indian reservations.

A resolution submitted yesterday by Mr. Greene, instructing the committee on internal improvements, to inquire into the expediency of placing such portion of the funds in the hands of the board, set apart by the last Legislature for the object of internal improvement, in East Tennessee, as may be deemed adequate to the removal of the obstructions to navigation in the Tennessee river, from the foot of the Boiling Pot to Knoxville, was taken up, read and adopted.

Mr. Burford introduced

A bill to equalize the tax on merchants and auctioneers, and more effectually to secure the revenue from merchants and auctioneers; which was read the first time and passed.

Mr. Wyly submitted the following resolution.

Resolved, That a select committee consisting of four members be appointed, to be denominated a committee of retrenchment.

Mr. Bradford, the following:

Resolved, That a committee be appointed to take into consideration, the propriety of passing a law establishing a comptroller's office, and providing for the election, of a comptroller or Auditor of public accounts.

On motion of Mr. Jetton the Senate took up and proceeded to the consideration of the 3rd rule as reported by the committee appointed to draft rules for the government of the intercourse of the two branches of the Legislature, (which provides that each

House shall mature its own bills and resolutions previous to their being transmitted to the other. And on the question, "Will the Senate adopt said rule," it was decided in the negative. Ayes 10, Noes 10. The Ayes and Noes being required by the constitutional number.

Those who voted in the affirmative are,

Messrs, Speaker, Andrews, Bradford, Burford, Davis, Holman, Jetton, Murray, Perkins and Polk, 10.

Those who voted in the negative, are,

Messrs. Anderson, Brabson, Field, Frey, Gillespy, Greene, Lytle, McClellan, M'Iver and Wyly, 10.

And so said rule was not adopted.

A message from the House of Representatives by Mr. Campbell their clerk:

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign an enrolled resolution appointing Justices of the Peace for the county of Wilson, which I am directed to deliver to the Senate to receive the signature of their Speaker. And then he withdrew. The Speaker of the Senate signed said resolution, and ordered it to be deposited in the office of the Secretary of State.

On motion of Mr. Davis, the Senate took up a resolution heretofore submitted by him proposing to meet the House of Representatives in their Hall on Saturday the 24th inst. for the purpose of electing an Attorney General for the 12th Solicitorial District. Said Resolution was read and rejected.

On motion of Mr. Jetton,

Ordered, that the report of the Penitentiary Commissioners be taken up and transmitted to the House of Representatives.

Mr. Murray presented the return of the clerk of the Circuit court of Weakly county, shewing the number of causes docketed from the May term, 1825, to May term 1831 inclusive; which were on motion of Mr. Murray, ordered to be referred to the Judiciary committee.

The Senate then adjourned until tomorrow morning 9 o'clock.

FRIDAY, SEPTEMBER 23d, 1831.

Mr. McClellan presented the report of the school commissioners of Sullivan county, which was on motion of Mr. McClellan referred to the committee on eduction and common schools.

Mr. Gillespy presented the petition of Henry Matlock, which was on motion of Mr. Gillespy referred to the committee on the Hiwassee District.

Mr. Greene presented the petition of a number of citizens ask-

ing relief for Lucinda Allen, which was referred on motion of Mr. Greene to the committee on propositions and grievances.

Mr. Lytle presenied the return of the clerk of the Supreme court of Errors and Appeals at Nashville, showing the amount of tax on suits in the Supreme court between the 1st day of October 1828, and the 1st day of October 1830, and which was paid over by him to the Treasurer of West Tennessee, which was referred on motion of Mr. Lytle to the committee on Finance.

Mr. Davis presented the petition of Nathan Jobe, a citizen of Lawrence county, and the petition of George W. Shackelford, a citizen of the same county, praying to be released froma forfeited recognizances, and to have the amount already paid by them respectively, refunded; both which of memorials were, on motion of Mr. Davis referred to the committee on claims.

A resolution submitted yesterday by Mr. Bradford proposing to establish a comptroller's office and providing for the election of a comptroller or auditor of public accounts, was taken up and read and on motion of Mr. Bradford ordered to lie on the table until Monday next.

A resolution submitted yesterday by Mr. Wyly, proposing to appoint a committee of four to be denominated the committee on retrenchment, was taken up read and adopted, the Speaker appointed Mr. Wyly, Burford, McClellan, Jetton and Bradford said committee.

Mr. Greene submitted the following Resolution.

Resolved, That the Senate meet the House of Representatives in their Hall on Saturday next, for the purpose of comparing the votes given at the last Election for Governor of the State of Tennessee. And the rule requiring, resolutions to lie one day on the table being suspended, on motion of Mr. Greene said resolution was adopted.

Ordered, That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Greene submitted the following,

Resolved, By the General Assembly of the State of Tennessee, that the Treasurer of middle Tennessee be required to report to this General Assembly, the exact amount of revenue remaining in the Treasury, (if any) at the close of the session of 1827. Also what amount (if any) remained unexpended at the close of the session of 1829 and 1830, and if a deficit existed in the revenue of the State, at the last named period, to what extent, and by what authority, and from whence the money was obtained to supply such deficiency.

Mr. Andrews the following,

Resolved, That a Standing Committee be appointed to take into consideration the equitable distribution ; and disbursement of that portion of the internal improvement fund, set apart by the

last Legislature for making internal improvements in the Western District of Tennessee, and that they report a Bill accordingly.

Mr. Bradford, the following,

Resolved, That the Committee on Finance in settling with the different Treasurers make annual instead of biennial settements as heretofore; shewing the actual situation of the Public Treasury at the close of each fiscal year.

Mr. McClellan, the following,

Resolved, By the General Assembly of the State of Tennessee, that the President and Directors of the Bank of the State of Tennessee report to this General Assembly the names of all persons who are or have been over-checkers in said bank, and that they give the names and amount of each as it stands on the books of said bank, that they report such as have been settled, and in what way such settlements have been made, that they report such debts as are not settled with the probability of collecting the same.

Mr. Davis the following,

Resolved, By the General Assembly of the State of Tennessee, That John G. McDonald, Daniel Kutch, Wm Ratliff, Richard A. Massay and Fielder Woodard, be and they are hereby appointed Justices of the peace for the county of Laurence.

Mr. McIver introduced A bill to amend the laws on the subject of delivery bonds.

Mr. Holman, A bill to repeal an act entitled an act providing a method to help and speed poor persons in obtaining their just rights.

A bill for the relief of James Scarbrough, and

A bill to repeal an act entitled an act more amply to provide for the poor, passed on the 15th November, 1827.

Mr. Bradford A bill giving further time for surveying entries and obtaining grants thereon.

Mr. Greene A bill to extend the corporation laws of the town of Kingston in the county of Roane.

Mr. Burford A bill to repeal an act passed, December 7th 1829, chapter 29, more effectually to provide for emancipating slaves.

Mr. Andrews, A bill for the benefit of Custus Oneal.

Mr. Anderson, A bill to amend the laws of this State on the subject of public roads, and

A bill to repeal part of the act of 1829, chap. 9. And

Mr. Wyly,

A bill to amend an act for the relief of Sheriffs, passed November 6th, 1811.

All of which were severally read the first time and passed.

Received from the House of Representatives,

A bill giving further time for surveying entries and obtaining

grants thereon. Said bill was read, and on motion of Mr. Bradford ordered to lie on the table.

Received from the House of Representatives,

A bill for the benefit of Securities.

A bill further to define and extend the jurisdiction of Justices of the Peace.

A bill for the relief of the occupants south and west of the reservation, and for other purposes.

A bill to authorise R. William Martin to build a bridge across Collins' river in Warren county.

A bill more effectually to prevent fraud, and to extend the remedy against hardships.

A bill to alter the name of Eli Slinker Murray to that of Eli Murray.

A bill to establish a separate battallion in the county of Haywood, and for other purposes.

A bill to repeal an act entitled an act to explain and amend an act entitled an act regulating certain proceedings on executions and for other purposes, passed Nov. 27, 1729.

A bill to appropriate certain money to the improvement of the navigation of Big Sandy river.

A bill to abolish imprisonment for debt.

A bill to amend the laws now in force, regulating appeals in equity.

A bill concerning the distribution of Haywood and Cobb's Revisal of the statues of this State, and for other purposes.

A bill to amend an act passed on the fifth day of January, 1830, entitled an act to authorize a tax to be laid in the county of Hawkins to build a court house.

A bill to amend the stray laws.

A bill to prevent clerks, sheriffs and constables, from speculating upon funds in their offices and for other purposes.

A bill giving the purchasers and enterers of land in the Hiwassee District further time to obtain their grants.

A bill to extend the jurisdiction of Justices of the Peace.

A bill to allow Justices of the Peace compensation in cases of damages and bastardy. And

A bill to incorporate an Academy in the county of Hamilton, all of which were severally read the first time and passed.

Mr. Gillespy submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the Board of Trustees of the Nashville University, and the Board of Trustees of East Tennessee College, be, and they are hereby directed and required severally to report as soon as practicable to this General Assembly, the amount of monies they, or either of them, may at any time heretofore have received, whether of monies collected from the people south of French Broad and Hol-

ston, or of monies of any other description and the date of such receipt or receipts, and that said boards further severally report the quantity date and value of any donation of any land warrants or land certificates; also the quantity, quality, supposed value and date of any donation of real or personal estate, or the donations, if any, the nature and date thereof of any other description that may have heretofore been made to said institutions, or either of them, and by whom made—That said Boards further report the amount or amounts of monies by them, or either of them at any time heretofore expended, for what purpose, and at what time such expenditures were by them, or either of them made, whether made in the payment of the salaries of teachers, tutors, &c. in the purchase of books, charts &c. or of philosophical, astronomical or chemical apparatus, or of other necessaries or conveniences for the benefit of said institutions or either of them, and how much has been expended for each purpose respectively.—That the said Board report severally the amounts expended by them respectively in the purchase of real or personal estate; where the same is situated, and the supposed value thereof.—That said Boards further report the quantity, description and situation of any real or personal estate, they or either of them may have sold; for what price each article or tract may have been sold, and to whom sold? whether for money advanced, or upon a credit, and if upon a credit, whether the same has been collected? If not, how the debt is secured?—That said Boards report the amount of debts due to them, or either of them, the time at which the same became due, and from whom due; the amount of debts due *from* them, or either of them, to whom due, and the time the same became due.—That said Boards severally report the description, quantity, supposed value and situation of any personal or real estate at present belonging to said institutions, or either of them, and whether the same or any part thereof is unincumbered with any deeds of trust, mortgages or any other liens of any other character or description whatever? If so, by whom such liens are held? and for what amounts, and what arrangements are making to remove the same? whether any estate, real or personal, of said institutions or either of them have been sold or otherwise disposed of under such liens? if so that said boards report the quantity, description, supposed value and situation of such estate? for whose benefit and for what amount sold or disposed of?—That said Boards severally report the number of teachers, tutors, and other officers who receive salaries or pay belonging to said Institutions respectively. The name, grade and salaries, or pay by them respectively received at each institution.—That said Boards further severally report, the terms of tuition, the amount paid at entering, the amount paid for diplomas, and who receives the same at each institution respectively—that they report the amount of funds now on hands, the num-

ber and the grade of the students belonging to each institution respectively.

Resolved, That the Secretary of State be directed to furnish the board of Trustees of the Nashville University, and the Board of trustees of East Tennessee College forthwith with a copy of the foregoing resolution.

And the Senate adjourned until tomorrow morning 9 o'clock.

SATURDAY, SEPTEMBER 24th, 1831.

Mr. McClellan presented the returns of the common shool commissioners of Hawkins county, for the years 1830 and 1831, which were on motion of Mr. McClellan referred to the committee on Education and common schools.

Mr. Brabson presented the returns of the clerk of the county court of Claiborne; shewing the amount of revenue and taxes and the number of militia companies and Justices of the peace in said county, which were on motion of Mr. Brabson referred to their appropriate committees.

Mr. Davis presented the returns of the clerk of the circuit court of Lawrence county, shewing the number of causes tried and the amount taxed thereon in said county for the years 1828, 1829 and 1830, which were on motion of Mr. Davis referred to the committee on Finance.

Mr. Andrews presented the petition of Polly Johnston and others heirs of John Alston deceased asking relief for land lost in the 1st District in the county of Humphreys, which was referred on motion of Mr. Andrews to the Committee on Land claims.

A resolution submitted on Friday last by Mr. Andrews proposings to appoint a standing committee, to take into consideration the equitable distribution and disbursement of that portion of the Internal Improvement fund, set apart by the last Legislature, for making improvements in the Western District, was taken up read and adopted.

The Speaker appointed Messrs. Andrews, Polk and Field, said committee.

A resolution submitted on yesterday by Mr. Davis, appointing Justices of the Peace for Laurence county, was, on motion of Mr. Davis, referred to the committee on captains' companies and Justices of the Peace.

A resolution submitted on Friday last by Mr. M'Clellan, directory to the President and Directors of the Bank of the State of Tennessee, was taken up, read and adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A resolution submitted on yesterday by Mr. Bradford, instructing the committee on Finance to make annual instead of biennial settlements (as heretofore) with the Treasurers of this State was taken up, read and adopted.

A resolution submitted by Mr. Greene on yesterday requiring the Treasurer of Middle Tennessee to report to this General Assembly, the amount of revenue remaining in the Treasury at the close of the sessions of 1827, 1829 and 1830, was taken up and read—Mr. Bradford, moved to amend said resolution, by adding thereto the following: "excluding the receipts of revenue arising in the year 1829." Mr. Burford offered an amendment to said amendment in the words following: "Also exclude from his report of the revenue for 1829 and 1830 all the revenue which was received in those years, but was due to, and unpaid in, the years 1827 and 1828." Mr. Jetton then moved to lay the resolution and amendments on the table until Monday next, which motion was lost. The question next recurred upon the amendment offered by Mr. Burford, and the sense of the Senate being thereupon had, said amendment was rejected.

The motion of Mr. Bradford being next in order, the question was put, "Will the Senate receive said amendment?" and decided in the negative—Ayes 10, Noes 10. The Ayes and Noes being demanded by the constitutional number, those who voted in the affirmative are,

Messrs. Speaker, Anderson, Andrews, Brabson, Bradford, Field, Jetton, M'Iver, Murray and Polk, 10.

Those who voted in the negative are,

Mr. Burford, Davis, Frey, Gillespy, Greene, Holman, Lytle, McClellan, Perkins and Wyly, 10.

And so said amendment was rejected.

The resolution was then put upon its passage and on the question "will the Senate adopt said resolution" it was decided in the affirmative. Ayes 17, Noes 3—The Ayes and Noes being demanded, those who voted in the affirmative are—Mr. Speaker, Anderson, Brabson, Burford, Davis, Field, Frey, Gillespy, Greene, Holman, Jetton, Lytle, McClellan, McIver, Perkins, Polk and Wyly, 17.

Those who voted in the negative are Mr. Andrews, Bradford and Murray 3.

And so said resolution was adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Davis submitted the following:

Resolved, That the clerk of the Senate keep a record of the returns of the several sheriffs of this State of the votes of Governor as opened in the presence of both Houses, and enter the same

upon the Journals of the Senate. And the rule being suspended, said resolution was adopted.

A resolution submitted by Mr. Gillespy on yesterday, directory to the Boards of Trustees of the Nashville University, and of East Tennessee College, was taken up and read, amended by Mr. Gillespy and adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Gillespy submitted the following:

Resolved, By the General Assembly of the State of Tennessee, That the Judge of the 7th Judicial Circuit of the State of Tennessee, appointed commissioner under an act of the General Assembly, entitled "an act for the relief of certain improvers of land in the Hiwassee District," passed the 13th of January 1830, for the purpose of adjudicating the value of certain improvements and other purposes in said act specified, be, and he is hereby directed to report as soon as practicable to this General Assembly the aggregate number and value of the improvements by him adjudicated; the manner and principle upon which the valuation of such improvements were ascertained; the character and description of such improvements as were passed, and of such as were rejected. —That he report the names of such improvers, and the value of their improvements by him adjudicated as he shall consider, and believe entitled to relief, but whose cases were believed by him not to be embraced within the provisions of said act—That he be required to recommend such other and further relief as he may believe, if any, should in justice be provided by law for the benefit of said improvers; and that he report all such other matters and things as he may deem right and proper for the information of this General Assembly.

Resolved, That the Secretary of State be directed to transmit forthwith a copy of the foregoing resolution to the Judge of the 7th Judicial circuit.

And the rule being suspended, said resolution was adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Bradford submitted the following resolution:

Resolved, That the Treasurer report to this General Assembly, the amount of revenue on hand at the close of the last General Assembly, including the expenses of that session of the Legislature and excluding from said report the amount of revenue received by him arising during the year 1829.

Mr. M'Clellan, the following:

Resolved, That the committee on internal improvement, inquire into the expediency of authorising the county courts to lay a tax for the purpose of keeping up the public roads in this State.

Mr. Gillespy, the following:

Resolved, That a select committee consisting of five members of the Senate, be raised, to be denominated a select committee on school lands.

Mr. Brabson, the following:

Resolved, That the committee on the Penitentiary be instructed to enquire into the defects of the criminal code passed at the last session of the General Assembly; and particularly in relation to the compensation of Sheriffs, guards, &c. in transporting convicts to the penitentiary, and report by bill or otherwise.

Mr. Davis presented the report of the President and Directors of the Bank of the State of Tennessee, shewing the present situation of that institution. Which was read at the clerk's table, and referred, on motion of Mr. Burford, to the committee on Banks.

On motion of Mr. Burford,

Ordered, That 2,000 copies of said report be printed for the use of the Senate.

Mr. Lytle presented the report of the Inspectors, and the report of the keeper of the Penitentiary, shewing its present situation, the number of convicts therein, their ages, crimes, occupations, &c. which were read and ordered to be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives concur with the Senate's resolution directory to the Judge of the 7th Judicial Circuit. And then he withdrew.

Mr. Burford introduced

A bill to extend the Jurisdiction of justices of the peace, to pay them for their services and for other purposes.

Mr. McClellan

A bill to repeal the 4th section of an act passed the 1st of January, 1830, entitled an act to amend an act for the benefit of the Bean Station Turnpike.

Mr. Gillespy

A bill for the benefit of Miller Isbel and others, therein named.

Mr. Murray,

A bill for laying a tax on the sale of Lottery tickets in this State.

Mr. Holman,

A bill respecting the sale of Goods, to prevent venders and mortgagers from secreting, changing and covering property by fraud, and

A bill to explain an act, entitled an act to prescribe the mode of obtaining appeals in certain cases, passed December the 8th 1827.

And Mr. Andrews,

A bill to change the time of holding the Regimental muster in the 76th Regiment of Tennesssee militia.

All of which were severally read a first time and passed.

Received from the House of Representatives,

A bill making provisions for guardians,

A bill to secure to poor persons the means of supporting their families.

A bill for the benefit of the heirs and creditors of James Peak deceased, of White county.

A bill to amend an act passed December 11th, 1827, entitled an act for the relief of the heirs of persons dying intestate.

A bill for the benefit of Aaron Higginbothem.

A bill to authorize the entry taker of Perry county, to keep his office at his own house.

A bill concerning guardians.

A bill more effectually to secure the payment of just debts.

A bill for the relief of Arky Y. Partee and Bersheba G. Partee, late Bersheba G. Rounseville of the county of Maury.

A bill for the benefit of Carrick W. Nelson, of Carter county.

A bill for the relief of Elizabeth Young, administrator of Wm. Young, deceased.

A bill to amend an act of the last session of the General Assembly of the State of Tennessee, on the subject of delivery bonds.

A bill to amend the several laws relating to judgments and executions rendered by justices of the peace after such justices have gone out of office. And

A bill to extend an act concerning the register of the Hiwassee District, passed 2nd October, 1827.

All of which were severally read the first time and passed.

The Senate then adjourned until Monday morning 9 o'clock.

MONDAY MORNING, SEPTEMBER 26th, 1831.

Mr. McClellan presented the petition of Joseph Rogers, a citizen of Hawkins County, asking relief which was on motion of Mr. McClellan, referred to the committee on Land Claims.

Mr. McClellan, also presented the petition of Montgomery Irvine, and the report of the Jail commissioners for Sullivan county, which were referred on motion of Mr. McClellan to the committee on claims.

Mr. Perkins presented the peti tion of John Clendennon praying to be divorced from his wife Elizabeth, which was on motion of Mr. Perkins referred to the committee on divorces.

Mr. Davis presented the petition of Nancy Lindsay, of Lawrence county, praying to be divorced from her husband Jefferson Lindsay, which was referred to the committee on Divorces.

Mr. Greene presented the petition of sundry citizens of Morgan and Fentress counties, praying the passage of an act authorizing Amos Marney to open a turnpike road, which was on motion of Mr. Greene referred to the committee on internal improvement.

Mr. Greene also presented the petition of the personal repretatives of John McEwen, deceased, late of Roane county, and James McAmy, deceased, late of McMinn county, which was referred on motion of Mr. Greene to the committee on propositions and grievances.

Mr. Polk from the committee of enrollments, reported as correctly enrolled, a resolution directory to the Judge of the 7th Judicial circuit. Said resolution was signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives to receive the signature of their Speaker.

The order made on Saturday last to print 2000 copies of the report, of the President and Directors of the bank of the State of Tennessee was on motion of Mr. Burford recinded, and an order to print one thousand copies substituted in its stead.

Received by Thomas H. Fletcher, Esq. Secretary of State, a communication from his Excellency, William Carroll, accompanied by a copy of the Will of Mason Lea, deceased, late of South Carolina.

And the resignations of the Attorney's General for the 11th and 12th Solicitorial Districts of this State, which were severally read at the clerks table and ordered to be transmitted to the House of Representatives.

A resolution submitted by Mr McClellan on Saturday last directing the committee on Internal Improvements to inquire into the expediency of authorizing the County courts to lay a tax for the purpose of keeping in repair the public roads of this State, And

A resolution submitted at the same time by Mr. Brabson instructing the committee on the Penitentiary to inquire into the defects of the criminal code passed at the last session of the General Assembly of this State, and more particularly in relation to the compensation of sheriffs, guards, &c. employed in transporting convicts, were taken up, severally read and adopted.

A resolution submitted by Mr. Gillespy, on Saturday last proposing to raise a select committee of five members to be denominated a select committee on School lands, was taken up, read and adopted.

The Speaker appointed Messrs. Gillespy, McClellan, Davis, Jetton and Andrews, said committee.

On motion of Mr. Bradford, the Senate took up and proceeded to the consideration of a resolution submitted by him on Saturday last, requiring the Treasurer to report to this General Assembly,

the amount of revenue in his hands at the close of the last session of the Legislature. Mr.Gillespy offered the following as an amendment thereto, "And that said Treasurer also report, the receipts of revenue of the year 1829, and the amount of monies (if any) remaining unexpended in his office at the adjournment of the last session of the General Assembly, of this State," and thereupon the question was put, "Will the Senate receive said amendment" and determined in the negative. There being Ayes 5, Noes 15.

The Ayes and Noes being demanded by the constitutional number, those who voted in the affirmative are,

Messrs. Frey, Gillespy, Greene, Lytle and McClellan, 5.

Those who voted in the negative are

Messrs. Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Field, Holman, Jetton, M'Iver, Murray, Perkins Polk, and Wyly, 15.

And so said amendment was rejected. Said resolution was then again read and adopted.

A resolution submitted by Mr. Bradford, proposing to appoint a committee to take into consideration the propriety of passing a law establishing a comptroller's office and providing for the election of a comptroller or auditor of public accounts, was taken up and read. Mr. Gillespy, offered the following amendment thereto, "And the accounts of the Bank of the State of Tennessee." Said amendment was received and the resolution adopted.

The Speaker appointed Messrs. Bradford, Polk and Field, said committee.

A messsage from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives concur with your resolution directory to the Treasurer of Middle Tennessee and, with your resolution directory to the President and Directors of the Bank of the State of Tennessee.

They have adopted a resolution appointing John Tinsley, John F. Vass and Henry L. McDonald, Justices of the Peace for Jackson County, and

A resolution to appoint a select committee to join such committee as may be appointed on the part of the Senate, to ascertain and report the number of votes given for a convention at the late general elections in this State, with which they ask your concurrence. And then he withdrew.

The Senate concurred with said resolutions, and appointed Mr. Greene and Mr. Frey on the part of the Senate to be of the committee to ascertain the number of votes given for a convention.

Ordered, That the clerk acquaint the House of Representatives therewith.

Mr. Murray introduced
A bill to define the liability of endorsers.
Mr. Holman,
A bill to explain and amend the laws heretofore passed in relation to sheriffs and constables, and for other purposes. And
A bill to repeal all laws and parts of laws now in force making ex-officio allowances to clerks and Attorneys Generals.
And Mr. Jetton,
A bill to alter the name of Temperance M'Millan, and make her the lawful heir of Thomas Tyblood. All of which were severally read the first time and passed.

Mr. Gillespy submitted the following:

Resolved, That the committee on Education and Common Schools be instructed to inquire into the expediency of providing by law, that the Trustees of the different Academies in this State be required to loan the monies that may be at their disposal in sums not exceeding one hundred dollars, to any one individual.

Mr. Bradford, the following:

Resolved, That the Treasurer of Middle Tennessee report to this House, if the taxes collected from the 12 1-2 cent and one cent lands for school purposes, have been uniform on each hundred acres in each of the counties of this State, and what rule has been adopted, to ascertain the amount coming into the Treasury from the different counties. And

Mr. Wyly, the following:

Whereas, the charter of the United States' Bank will expire in the year 1836, and whereas it is believed that the Stockholders in said Bank will attempt to secure a re-charter of that Institution.—And, whereas it is believed by this General Assembly, that it is not consistent with sound policy to extend the charter of said Bank, therefore,

Resolved, *By the General Assembly of the State of Tennessee*, That our Senators in Congress be instructed, and our representatives requested to vote against re-chartering the Bank of the United States, if any attempt should be made in Congress for that purpose, before the next session of the General Assembly of this State.

Resolved, That this preamble and resolution be printed with the acts, so that the good people of this State may be informed thereof, and that the Secretary of the State furnish a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

A bill to authorise William Martin to build a bridge across Collins' river.

A bill to amend an act passed the 5th day of January, 1830, entitled an act to authorise a tax to be laid in the county of Hawkins to build a court house. And

A bill to incorporate an Academy in the county of Hamilton, were severally read the second time and passed.

A bill to repeal an act entitled an act more amply to provide for the poor, was taken up and read a second time.

Mr. Holman moved to strike out the amendment from the House of Representatives, and reinstate the original bill, which motion prevailed.

The bill was then put upon its passage; and

On the question, "Shall the bill pass?" it was decided in the negative. Ayes, 3—Noes, 17. The Ayes and Noes being called for by the constitutional number, those who voted in the affirmative are,

Mr. Gillespy, Holman and M'Clellan, 3.

Those who voted in the negative are,

Mr. Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Field, Frey, Greene, Jetton, Lytle, M'Iver, Murray, Perkins, Polk and Wyly, 17.

And so said bill was rejected.

A bill to appropriate certain money to the improvement of the navigation of Big Sandy river, was taken up on its second reading, and referred, on motion of Mr. Murray, to the committee on Internal improvement of the Western District.

The Senate then adjourned until tomorrow morning, 9 o'clock.

TUESDAY MORNING, SEPTEMBER 27th, 1831.

Mr. Wyly presented the memorial of a number of citizens of Washington county, opposed to re-chartering the Bank of the United States, which, together with his resolution upon that subject, were, on motion of Mr. Wyly, ordered to lie on the table until Thursday week.

Mr. M'Clellan presented the petition of Margaret Fickle, praying to be divorced from her husband, Abraham B. Fickle, which was referred, on motion of Mr. M'Clellan, to the committee on divorces.

Mr. Perkins presented the petition of Henry Rowan, which was, on motion of Mr. Perkins, referred to the committee on propositions and grievances.

Mr. Polk from the committee on enrolments, reported, as correctly enrolled, "A resolution directory to the President and Directors of the Bank of the State of Tennessee, and a resolution directory to the Treasurer of Middle Tennessee.

Said resolutions were signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

Mr. Field from the committee on captains' companies and

Justices of the Peace, to whom was referred a resolution submitted on Friday last by Mr. Davis, appointing Justices of the Peace for Lawrence, reported that the committee had examined the provisions of said resolution, and found them reasonable, and advised the adoption of the resolution.

The resolution was then read and adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A resolution submitted on yesterday by Mr. Gillespy, directing the committee on Education to inquire into the expediency of providing by law, that the Trustees of the different Academies in this State be required to loan the monies that may be at their disposal, in sums not exceeding one hundred dollars, to any one individual. And,

A resolution submitted at the same time by Mr. Bradford, directing the Treasurer of Middle Tennessee to report to the Senate the situation of the Taxes collected from the 12 1-2 and one cent lands for school purposes, and if they have been uniform on each hundred acres, in each of the counties in this State, were taken up, severally read, and adopted.

A message from the House of Representatives, by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution that the Senate meet them in their Hall on Monday the 3rd day of October next, for the purpose of electing a Public Printer, in which they ask your concurrence. And then he withdrew.

Said message was, on motion of Mr. Jetton, ordered to lie on the table until tomorrow.

Mr. Burford submitted the following.

Resolved, That the committee on the militia be instructed to enquire into the expediency of repealing all laws and parts of laws, now in force, requiring battalion and regimental musters, or more than one company muster annually, and that said committee report by bill or otherwise.

Mr. Holman, the following:

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of placing such portion of the funds as were set apart by the last Legislature for the purpose of Internal Improvement in Middle Tennessee, in the hands of the board of internal improvement, as may be deemed adequate to the improvement of the navigation of Obeds river in the counties of Fentress and Overton and that they report thereon. And

Mr. Jetton the following

Resolved, By the General Assembly of the State of Tennessee, That our Representatives in Congress be instructed, and our Sen-

ators requested to use their influence to recharter the United States' Bank with certain modifications.

2nd. *Resolved*, That a Branch be located in this State with a provision that the State shall have a preference over all others, ninety days after the first meeting of the General Assembly, after the United States' Bank has been chartered to subscribe for stock.

3rd. *Resolved*, That the citizens of the State shall have a preference of sixty days for the purpose of subscribing for the stock, to be taken in this State, over all others.

4th. *Resolved*, That the funds belonging to the Bank of the State of Tennessee be loaned by the Board of President and Directors, until it shall be known by the General Assembly what disposition Congress will make of the United States' Bank.

5th. *Resolved*, That the principal Bank of the State shall be located at Knoxville, and it shall be the duty of the President and Board of Directors to establish a branch of the Bank of the State, in the most eligible place in middle Tennessee. Also, a branch at the most suitable place in the Western District, and no more.

Resolved, That the agencies in the different counties shall be brought to a close by said Board of President and Directors, at the same time extending as much indulgence to the good people of this State as possible, so as to secure to the State her rights.

Agreeable to a rule of the Senate, said resolutions lie one day on the table.

Mr. Davis introduced

A bill to amend the laws relative to the trial of slaves.

Mr. Holman,

A bill to prevent malicious prosecutions of the Peace.

Mr. Murray,

A bill to indemnify such counties in this State as are deprived of a part of their county revenue by the act of Assembly of 1822, and the compact entered between the commissioners appointed by the provisions of said act.

Mr. Greene,

A bill to amend an act entitled an act authorising John Brown to open and keep in repair a turnpike road, passed the 9th day of January 1830. And,

A bill to amend and explain an act, entitled an act more effectually to prohibit county officers from speculating in County claims.

Mr. Gillespy,

A bill to compensate James A. Whitesides for superintending the printing of Haywood and Cobb's Revisal.

A bill for the relief of William Kanard and others. And

A bill for the relief of Allen D. Gentry, which were severally read a first time and passed.

A bill to repeal an act passed December 7th, 1829, chapter 29, more effectually to provide for emancipating slaves, was taken up and read, and the question thereon being taken, "Shall the bill pass?" it was determined in the negative—Ayes 6, Nays 14.

The Ayes and Noes being demanded,

Those who voted in the affirmative are,

Mr. Burford, Bradford, Holman, Lytle McClellan and Polk, 6.

Those who voted in the negative are,

Mr. Speaker, Anderson, Andrews, Brabson, Davis, Field, Frey, Gillespy, Greene, Jetton, M'Iver, Murray, Perkins and Wyly, 14.

And so said bill was rejected,

A bill to extend the corporation laws of the town of Kingston in the county of Roane.

A bill to repeal part of the act of 1827, chapter 9.

A bill to amend the laws on the subject of delivery bonds,

A bill to amend the laws now in force regulating appeals in equity. And

A bill levying a tax on the sale of lottery tickets in this State, were severally read, and on motion, ordered to be referred to the committee on the Judiciary.

Mr. Gillespy withdrew and returned with an amendment.

A bill for the relief of Elizabeth Young, administratrix of William Young, deceased. The amendment was received, and the bill read a second time and passed,

Mr. Gillespy withdrew and returned with an amendment,

A bill concerning the distribution of Haywood and Cobb's Revisal of the Statutes of the State of Tennessee—said amendment was received, and the bill referred, on motion of Mr. Anderson, to the committee on Public Printing.

A bill to amend the laws of this State on the subject of public roads, was taken up, read a second time, and rejected.

On motion of Mr. Burford,

Said bill was called up and reconsidered, and referred to the committee on Internal improvements.

A bill for the benefit of Aaron Higginbotham.

A bill to amend an act entitled an act for the relief of Sheriffs.

A bill to change the time of holding the regimental musters in the 76th Regiment of Tennessee militia. And

A bill to increase the jurisdiction of Justides of the Peace to pay them for their services, and for other purposes, were severally read a second time and passed,

Mr. McClellan, withdrew for amendment

A bill giving further time for surveying entries and obtaining grants thereon.

Mr. Brabson withdrew for amendment

A bill to equalize the tax on merchants and auctioners, and more effectually to secure the revenue from merchants and auctioneers.

And Mr. Maury withdrew

A bill to repeal an act entitled an act providing a method to help and speed poor persons in obtaining their just rights.

A bill for the relief of James Scarbrough, was on motion of Mr. Holman referred to the committee on claims.

A bill for the benefit of Custus Oneal, was on motion of Mr. Field, referred to the committee on land claims.

Mr. Gillespy withdrew, and returned amended

A bill giving the enterers and purchasers of land in the Hiwassee District further time to obtain their grants. Said amendment was received and the bill referred on motion of Mr. Gillespy to the committee on the Hiwassee district.

A bill for the relief of Miller Isbel and others therein named.—And

A bill to extend the provisions of an act concerning the register of the Hiwassee district, passed the 2nd October, 1827, were severally read a second time, and referred on motion of Mr. Gillespy to the committee on the Hiwassee District.

Received from the House of Representatives,

A bill to settle up and close the business of the Bank of the State of Tennessee, and the distribute the funds to the counties upon the basis of free white population.

A bill to compel the different clerks in this State to give new securities, for the performance of the duties of their office.

A bill to amend an act entitled an act to amend the penal laws of the State of Tennessee, passed December 9, 1829. And

A bill to repeal the law allowing tax fees to attornies, which were severhlly read a first time and passed.

And then the Senate adjourned until tomorrow morning, 9 o'clock.

WEDNESDAY MORNING, SEPT. 28th, 1831.

Mr. Holman presented the petition of sundry citizens of Jackson county, praying the appointment of Denton Plumbee a justice of the Peace for capt. Plumlee's company of militia, which was on motion of Mr. Holman referred to the committee on captain's companies and justices of the peace.

A resolution submitted yesterday by Mr. Holman, instructing the committe on Internal Improvement to enquire into the expediency of placing such portion of the funds as were set apart by the last Legislature, for the purpose of internal improvement in middle Tennessee in the hands of the Board of internal improvement as may be deemed adequate to the improvement of the navigation of Obeds river in the counties of Fentress and Over-

ton, and that they report thereon, was taken up read and adopted.

A resolution submitted on yesterday by Mr. Jetton, on the subject of recharting the Bank of the United States with certain modifications was taken up, and on motion of Mr. Jetton was laid on the table until Thursday next.

A resolution submitted on yesterday by Mr. Burford, instructing the committee on the militia to inquire into the expediency of repealing all laws and parts of laws, requiring Battalion and Regimental musters, or more than one company muster annually, was taken up, read and adopted.

Mr. Murray submitted the following,

Resolved, That the Secretary of State, be requested to furnish the Senate a copy of the census of the respective counties in this State, shewing the white and black population separately if such enumeration be in his possession.

Mr. McClellan returned with an amendment in lieu of the whole, a bill giving further time for surveying entries and obaining grants thereon. The amendment was received, and the bill read a sesecond time and passed.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The house of Representative have adopted the following resolution.

Resolved, By the General Assembly of the State of Tennessee, That John Depriest, Isaac Low and James Rhodes, be and they are hereby appointed justices of the peace for Hickman county, with which they ask the concurrence of the Senate.

The Senate concurred with the foregoing resolution, and ordered the clerk to acquaint the house therewith.

The House of Representatives have adopted a resolution that the Senate meet them in the Representative hall on Monday the 3d day of Oct. next, for the purpose of electing a public printer, in which they ask your concurrence. And then he withdrew.

The Senate nonconcurred with the foregoing resolution and proposed in lieu thereof to go into said election on Tuesday the 4th of October next. Ordered that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A bill for the benefit of securities was taken up, amended by Mr. Jetton, read a secohd time, and on motion of Mr. Field referred to the committee on the Judiciary.

A bill from the House of Representatives for the relief of Elizabeth Humphreys.

A bill to establish an additional court martial in the 4th regiment of Tennessee militia. And

A bill to declare in force all the acts of the States of North Car-

olina and Tennessee, contained in Haywood's and Cobb's Digest, and Revisal of the Statutes of this State; and that all statutes of a public nature heretofore in force in this State, not therein contained, declared obsolete and repealed, were taken up, severally read the first time, and passed.

A bill to repeal the 4th section of an act passed 1st January, 1830, entitled "an act to amend an act for the benefit of the Bean Station turnpike road.

A bill to amend the laws relative to the trial of slaves. And

A bill concerning guardians, were taken up, read severally the second time and passed.

A message from the House of Representatives, by Mr. Campbell, their clerk.

MR. SPEAKER,

The House of Representatives concur with your proposition to go into the election of Public Printer on Tuesday the 4th October next, and then he withdrew.

A bill to repeal all laws and parts of laws now in force making ex-officio allowances to clerks and attorneys general was taken up, and, on motion of Mr. Gillespy, referred to the committee on Finance.

Mr. Field withdrew for amendment,

A bill to incorporate an academy in the county of Hamilton.

A bill to amend an act passed on the 5th day of January 1830, entitled an act to authorise a tax to be laid in the county of Hawkins to build a court house, was taken up, read a third time, and passed;

And ordered to be enrolled.

Mr. Anderson introduced

A bill for the relief of John Key and Thomas White, of Anderson county, Tennessee.

Mr. Murray,

A bill to incorporate Trenton Female Academy in the county of Gibson.

Mr. M'Iver,

A bill to extend the time of making surveys south and west of the Congressional reservation line, which were severally read the first time and passed.

A bill from the House of Representatives to authorise Jeremiah Johnson to build a wing mill dam on the French Broad river, was read the first time and passed.

A bill for the relief of Elizabeth Young, administratrix of William Young, deceased, was taken up on its third and last reading, read and referred, on motion of Mr. Bradford, to the committee on claims.

A bill to repeal all laws and parts of laws now in force, making

ex-officio allowances to clerks and attorneys general, was referred, on motion of Mr. Gillespy, to the committee on Finance.

Mr. Greene withdrew for amendment

A bill to authorise the entry taker of Perry county, to keep his office at his own house.

On motion of Mr. Bradford,

The Senate resolved themselves into a court of Impeachment, on articles and specifications, preferred by the House of Representatives at the last session of the General Assembly of this State, against Joshua Haskell, Judge of the 8th judicial circuit, appointed the Hon. Araham M'Clellan, Senator from the county of Sullivan, president of said court, W. K. Hill, their clerk, and Geoge W. Woods their Sergeant at arms.

The Speaker of the Senate resumed the chair and proceeded with the business of Legislation.

A message from the House of Representatives, by Mr. Campbell, their clerk.

MR. SPEAKER.

The House of Representatives concur with your resolution appointing John G. M'Donald, Daniel Kutch, William Ratliff, Richard A. Massey and Fielder Woodard, Justices of the Peace for the county of Lawrence.

The House of Representatives have adopted a resolution appointing Joshua Tally, M. D. L. F. Sharp, Pascal Head, Albert G. Donoho and Peter Ketring, Justices of the Peace for the county of Sumner. And then he withdrew.

The Senate concurred with said resolution, and ordered the clerk to acquaint the House of Representatives therewith.

Mr. Polk submitted the following resolution:

Resolved, That twenty-five copies of the list of the Standing and Select committees, be printed for the use of the Senate. And the rule requiring resolutions to lie one day on the table being suspended, said resolution was adopted.

Mr. Holman submitted the following:

Resolved, By the General Assembly of the State of Tennessee, that the Board of Internal Improvement be instructed to cause a survey and examination of Obeds river, from its mouth to what is considered the head of navigation in Fentress county, that an estimate of the cost of improving the navigation of said river, be made and report thereon. And

Mr. Murray the following:

Resolved, That a committee of six members be appointed to take into consideration the propriety of dividing this State into Congressional Districts under the census of 1830.

The Senate then adjourned until tomorrow morning, 9 o'clock.

THURSDAY MORNING, SEPTEMBER 29th, 1831.

Mr. Gillespy presented the deposition of Wm. Kanard, Wm. B. Turney and Wm. Taylor, in relation to the claim of Allen D. Gentry, a purchaser of land in the Hiwassee District, and the certificate of J. C. Mitchell and John Lowry in relation to the claim of Thomas White, and also the petition of Thomas White, William Kanard, Miller Isbel, and Edward Ragsdale, purchasers of land in the Hiwassee District, which were, on motion of Mr. Gillespy, referred to the committee on Indian reservattons.

Mr. Davis presented the petition of Edmund Lumpkins, praying to be divorced from his wife, Nancy Lumpkins, and also the remonstrance of the said Nancy Lumpkins, against the petition of the said Edmund Lumpkins, both of which were, on motion of Mr. Davis, referred to the committee on Divorces.

Mr. Polk from the committee of enrolments, reported as correctly enrolled, a resolution appointing Justices of the Peace for Lawrence county. And an act to amend an act passed on the 5th day of January, 1830, entitled an act to authorise a tax to be laid in the county of Hawkins to build a court house. Said resolution and bill were signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

A resolution submitted on yesterday bp Mr. Murray appointing a committee of six members, to take into consideration the propriety of dividing this State into Congressional districts under the census of 1830, was taken up and read, and on motion of Mr. Murray, orderek to lie on the table until tomorrow.

A resolution submittted on yesterday by Mr. Murray, requiring the Secretary of State to furnish the Senate a copy of the census of the respective counties in this State, shewing the white and black population separately, if such enumeration be in his possession. And

A resolution submitted at the same time by Mr Holman instructing the Board of Internal Improvement to cause an examination and survey of Obeds river from its mouth to the head of navigation in Fentress county, were taken up, severally read and adopted.

Mr. McIver submitted the following:

Resolved, By the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in their Hall on Tuesday the 4th day of October next, for the purpose of electing a Surveyor General for the 11th District.

Mr. Greene returned with an amendment authorizing the register of Morgan county, to keep his office at his own house,

A bill to authorize the Entry taker of Perry county to keep his office at his own house. Said amendment was received, the bill as amended read a second time and passed.

Mr. Field returned with an amendment, upon its 3d and last reading,

A bill to incorporate an Academy in the county of Hamilton, said amendment was recieved, and the clerk ordered to acquaint the house of Representatives therewith.

Mr. Polk introduced

A bill for the benefit of the Register of Maury county. And

Mr. Holman

A bill to explain and amend the 7th section, chapter 10, of an act entitled an act to prevent frauds, in the execution of last wills and testaments; and directing how deeds of gift and bills of sale shall be executed, authenticated and perpetuated. Passed in the year 1784. Said bills were severally read a first time and passed.

On motion of Mr. Davis, Ordered that Mr. Murray, be added to the committee of internal improvements in the Western district.

Received from the House of Representatives,

A bill to inclose the milk sick hills in White county. Said bill was read a first time and passed.

A bill for the relief of Wm. Kanard and others. And

A bill for the relief of Allen D. Gentry, were on motion of Mr. Gillespy referred to the committee on Indian reservations.

Mr. Field withdrew for amendment

A bill to explain and amend the laws heretofore passed in relation to Sheriffs, constables and for other purposes. And

A bill to amend an act entitled an act authorizing John Brown to open and keep up a turnpike road. Passed the 9th day af January 1830.

A bill to indemnify such counties in this state, as are deprived of a part of their county revenue, by the act of Assembly of August 14th, 1822, and the compact enterred into between the commissioners appointed by the provisions of said act, wasordered to lie on the table.

A message from the House of Representatives, by Mr. Campbell their clerk.

MR. SPEAKER,

I am directed to inform the Senate, that the House of Representatives are now ready to go into the election of Secretary of State. And then he withdrew.

Whereupon,

The Speaker and gentlemen of the Senate repaired to the Hall of the House of Representatives, and proceeded to the election of said officer, when, on collecting and counting the ballots, Samuel G. Smith was duly and constitutionally elected Secretary of State for the next ensuing four years. And thereupon the Speaker and gentlemen of the Senate repaired to their own chamber.

A bill to compensate James A. Whiteside, for superintending

perintending the printing of Haywood and Cobb's Revisal was referred, on motion of Mr. Gillespy, to the committee on claims.

A message from the House of Representatives by Mr. Campbell, their clerk.

MR. SPEAKER,

The House of Representatives concur with the amendment proposed by the Senate, to

A bill to incorporate an Academy in the county of Hamilton. And then he withdrew.

Said bill was then read a third and last time in both Houses, passed and ordered to be enrolled.

A bill to amend and explain an act entitled an act more effectually to prohibit county officers from speculating in county claims, was taken up and read. Mr. Gillespy offered an amendment in lieu of the whole bill, which amendment proposed to repeal the above recited act, and provided, that hereafter it should be the duty of the sheriffs or collectors in the different counties in this State, to receive county claims when presented to them in the payment of taxes or any other county dues, at their nominal value"—and the question thereon being had "Will the Senate receive said amendment?" it was determined in the negative—Ayes 5—Noes 15.

The Ayes and Noes being demanded by the constitutional number,

Those who voted in the affirmative are,

Mr. Anderson, Gillespy, Holman, Davis and Murray.

Those who voted in the negative are,

Mr. Speaker, Andrews, Brabson, Bradford, Burford, Field, Frey, Greene, Jetton, Lytle, M'Clellan, M'Iver, Perkins, Polk and Wyly, 15.

And so said amendment was rejected.

The original bill was then read a second time and passed.

A message from the House of Representatives, by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution to go into the election of a surveyor General for the 11th District, and surveyors for the counties of Hamilton, Knox and Cocke, on Tuesday the 4th day of October next.

Said resolution was, on motion of Mr. Davis, ordered to lie on the table.

The House of Representatives have adopted a resolution appointing Mansfield House, William Maury, William Johnston, Joshua D. Cloud and Richard Reynolds, Justices of the Peace for the county of Williamson. And then he withdrew.

Said resolution was concurred with by the Senate, and the clerk ordered to acquaint the H. of R. therewith.

On motion of Mr. Bradford,

The Senate took up and read the report and resignation of the Honorable Hugh L. White, agent for the State of Tennessee, in reservee cases in the Hiwassee District, which, with its accompanying documents, were referred to the committee on Indian reservations.

Mr. Murray returned with an amendment in lieu of the whole.

A bill to repeal an act entitled an act providing a method to help and speed poor persons in obtaining their just rights—said amendment proposed to repeal so much of the above recited act, as has been construed to extend to granting appeals, or writs of certiorari and supersedas, and that hereafter when any person or persons wishes to avail themselves of the benefit of said act, such applicant or applicants shall prove, by at least one witness of good character, in addition to his or their own oaths, that he, she or they, are properly and honestly entitled to the benefits contemplated by said act.

Mr. Field offered an amendment in lieu of the one offered by Mr. Murray.

And the sense of the Senate being thereupon had, said amendment was rejected.

The question then recurred upon the amendment offered by Mr. Murray,

And the question being put, "Will the Senate receive said amendment," it was determined in the negative—Ayes 6, Noes 14.

The Ayes and Noes being demanded,

Those who voted in the affirmative are,

Mr. Brabson, Bradford, Frey, Lytle, M'Clellan and Murray, 6.

Those who voted in the negative are,

Mr. Speaker, Anderson, Andrews, Burford, Davis, Field, Gillespy, Greene, Holman, Jetton, M'Iver, Perkins, Polk and Wyly, 14.

And so said amendment was rejected.

The original bill was then put upon its passage,

And on the question being submitted, "Shall the bill pass?" it was decided in the negative—Ayes 3, Noes 17.

The Ayes and Noes being demanded,

Those who voted in the affirmative are,

Mr. Burford, Gillespy and Holman, 3.

Those who voted in the negative are,

Mr. Douglass, Anderson, Andrews, Brabson, Bradford, Davis, Field, Frey, Greene, Jetton, Lytle, M'ClellanM,'Iver,.Murray, Perkins, Polk and Wyly, 17.

And so said bill was rejected.

The Senate then adjourned until to-morrow morning, 9 o'clock.

FRIDAY, SEPTEMBER 30, 1830.

Mr. Holman presented the return of the clerk of the circuit court of White county, of the amount of monies collected as taxes by him on suits, deeds, &c. from the 1st day of October, 1828 up to the 1st of October, 1829, and from the 1st of October 1829 up to the 1st day of October 1830, which was referred to the committee on Finance.

Mr. Polk from the committee on enrollments reported as correctly enrolled "An act to incorporate an Academy in the county of Hamilton," said enrolled act was signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

Mr. Murray from the committee on claims, to whom was referred the petition of Montgomery Irvine, Jailer of Sullivan county; A bill to compensate James A. Whiteside, for superintending the printiing and publication of Haywood & Cobbs revisal; A bill for the relief of James Scarbrough," and "A bill for the relief of Elizabeth Young, administratrix of William Young, deceased." Reported that the commiitee have had the same under consideration, that the committee think the claims and the provisions of said bills reasonable, and recommend the passage of the same.

Mr. Murray also reported

A bill for the relief of Montgomery Irvine, Jailer of Sullivan county; which was read the 1st time and passed.

The bill to compensate James A. Whiteside, for superintending the printing of Haywood and Cobbs revisal. And the

Bill for the relief of James Scarbrough, were read a 2d time and passed,

A bill for the relief of Elizabeth Young, Administratrix of Wm. Young, deceased, was taken up on its 3d and last reading, and referred on motion of Mr. Burford to the committee on the Judiciary.

Mr. Perkins returned without amendment

A bill to explain and amend the laws heretofore passed in relation to sheriffs and constables, and for other purposes; which was read and referred on motion of Mr. Gillespy to the Judiciary committee.

Mr. Holman returned with an amendment

A bill to amend an an act entitled an act authorizing John Brown to open and keep up a turnpike road, passed the 9th day of Jan. 1830;said amendment was received,and the bill as amended was on motion of Mr. McClellan referred to the committee on Internal Improvement.

Mr. Brabson returned without amendment

A bill to equalize the tax on merchants and auctioneers, and more effectnally to secure the revenue from merchants and auc-

The Speaker appointed Messrs. Burford, Murray, Greene, Lytle and Frey said select committee.

Mr. Greene presented the petition of Polly Farmer for a divorce—which was referred on motion of Mr. Greene to the committee on divorces.

A message from the House of Representatives, by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution that the Senate meet them in their Hall this evening, at half after two o'clock, for the purpose of comparing the votes for governor, at the last general elections in this State And then he withdrew.

The Senate concurred with the foregoing resolution, and ordered the clerk to acquaint the House of Representatives therewith.

Mr. Holman returned with an amendment in lieu of the whole;

A bill to define the liability of endorsers.

Said bill and amendment were, on motion of Mr. Burford, referred to the committee on the Judiciary.

A resolution submitted on yesterday by Mr. M'Iver, proposing to meet the House of Representatives in their Hall on Tuesday next for the purpose of electing a surveyor general for the 11th District, was taken up, read, and, on motion of Mr. Davis, ordered to lie on the table.

Mr. Lytle submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That it shall, and may be lawful, for the heirs of Selby Harney, to file grant, No. 2086, for 640 acres, granted to said Harney, by the State of North Carolina, before the commissioners of adjudicating land claims, and if it shall satisfactorily appear to said commissioners, that said grant is founded on a good and valid warrant, and that no other grant ever issued on said warrant, and that it is interfered with by an older and better claim, then said commissioners shall issue to the rightful owners, a certificate for said interference.

Mr. Polk, the following;

Resolved, by the General Assembly of the State of Tennessee, That Thomas Wilson, John Gordon, David Fly, George A. Peeler, E. B. Dooley, Isaac Goff, John Moore, John B. Hamilton and Bernard Hogan, be, and they are hereby appointed Justices of the Peace for the county of Maury. And

Mr. Bradford, the following:

Resolved, That the Treasurer of East Tennessee report to this General Assembly the amount of money refunded by him to purchasers of land in the Hiwassee District, and whether a release and transfer of interest to the State required by law, has been in every instance formally and legally executed.

Received from the House of Representatives,
A bill for the relief of Eliza Casey, of Rhea County. And
A bill for the relief of John R. Charter.
Said bills were severally read a first time and passed.
A message from the House of Representatives, by Mr. Campbell their clerk.
MR. SPEAKER,
The House of Representatives have adopted a resolution appointing Kincher Matthews, Jesse Wooten; David Ramsey, Francis Smartt, George Leitz, Michael Dean, John Frazier, Jacob Woodly, Daniel Parkhurst, and William J. Todd, Justices of the Peace for the county of Warren, and Robert Wade and Thomas Shepherd, Justices of the Peace for Hickman county. And then he wtthdrew.
Said resolution was ordered to lie on the table.
The hour having arrived as previously agreed upon,
The Speaker and gentlemen, members of the Senate, repaired to the Hall of the House of Representatives, and proceeded to compare the returns of votes given at the last general elections for Governor of the State of Tennessee, from the following counties, (to wit.)
Marion, Morgan, Hamilton, Franklin, Hawkins, Tipton, Knox, Stewart, Humphreys, M'Nairy, Wayne, Sumner, Bedford, Blount, Claiborne, Smith, Jefferson, Grainger, Sevier, Wilson, Giles, Rhea, Roane, Hardin, Williamson, M'Minn, Lawrence, Greene, Bledsoe, Anderson, Carter, Davidson, Robertson, Rutherford, Monroe, Hickman, Cocke, Maury, Sullivan, Henry, Madison, Gibson, Perry, Washington, Carroll, Fayette, Hardeman, Overton, Warren.
And upon comparing the polls aforesaid there werefor William Carroll, fifty-seven thousand one hundred and twenty-five votes, and for John Elliff, nine hundred and seventy-three votes.
Whereupon,
The Speaker proclaimed, in presence of both Houses of the General Assembly, and the assembled multitude, that William Carroll was duly and constitutionally elected Governor of the State of Tennessee for the next ensuing two years.
And thereupon the Speaker and gentlemen of the Senate returned to their own chamber.
A bill to explain an act entitled an act to prescribe the mode of obtaining appeals in certain cases, passed December 8th, 1827, was read a second time and passed.
Mr. Gillespy introduced
A bill to compel constables to pay poll tax. And
Mr. Murray,
A bill for the relief of the surveyor general of the 13th District of this State.
Said bills were severally read the first time and passed.

A message from the House of Representatives, by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution to appoint a Joint Select Committee, to wait upon His Excellency, and inform him of his election, and to make arrangements for his inauguration. And then he withdrew.

Said resolution was concurred in by the Senate.

And the Speaker appointed Mr. M'Clellan and Mr. Jetton, to be of said committee on the part of the Senate.

Mr. Lytle presented the following report from Thomas Crutcher, Treasurer of middle Tennessee, in obedience to a resolution adopted by the Senate at the present session.

The committee of Finance, in settling with the Treasurers, the revenue for the years 1827 and 1828, reported that a balance remained in the hands of the Treasurer at Nashville, after deducting all claims then presented, the sum of fifty-seven thousand, four hundred and sixty-seven dollars, and forty cents. October, 1829— $57,467 40.

The expenses of the last session of the General Assembly, their clerks and doorkeepers,	$34,464 60.	
Incidental expenses same session,	4,761 82.	$39,226, 42.
Balance		18,240 98.
Amount paid witnesses, &c. in the trial of Judges Williams and Haskell,		1,621 84
Leaving a balance of		$16,619 14

E. E.

Thomas Crutcher.

The revenue for the years 1829 and 1830, to be accounted for to the present session by the Treasurers.

Said report was read at the clerk's table, and two thousand copies thereof ordered to be printed on motion of Mr. Lytle for the use of the Senate.

The Senate then adjourned until tomorrow morning, 9 o'clock.

SATURDAY MORNING, OCTOBER 1, 1831.

Mr. Greene presented the certificate of John Brown relinquishing to Robert Burke his title to the charter of the turnpike road from Sparta to John Kimmer's, which was on motion of Mr. Greene referred to the committee on Internal Improvement.

tioneers, which was referred on motion of Mr. Burford to a select committee of five.

Mr. Greene presented the affidavits of Ephraim Prigmore, Matthew Pryor, Seth Pryor and David J. Shelton, relative to the petition of Polly Farmer for a divorce, which was on motion of Mr. Greene, referred to the committee on divorces.

Mr. Andrews presented the petition of Richard A. McRee;which was on motion of Mr. Andrews referred to the committee on propositions and grievances.

The following resolution submitted on yesterday by Mr. Lytle,

Resolved, By the General Assembly of the State of Tennessee, That it shall and may be lawful for the heirs of Selby Harney to file grant No. 2086, for six hundred and forty acres, granted to said Harney by the State of North Carolina, before the commissioners for adjudicating land claims, and if it shall satisfactorily appear to said commissioners that said grant is founded and a good and valid warrant, and that no other grant ever issued on said warrant,and that it is interfered with by an older and better claim,then said commissioners shall issue to the rightful owners a certificate for said interference, was taken up and on motion of Mr. Lytle laid on the table.

A resolution submitted on yesterday by Mr. Polk, appointing justices of the peace for the county of Maury, was taken up and referred on motion Mr. Polk to the committee on captain's companies and justices of the peace.

A resolution submitted on yesterday by Mr. Bradford, directory to the Treasurer of East Tennessee, was taken up and on motion of Mr. Gillespy laid upon the table.

A resolution submitted on the 28th ultimo, by Mr. Murry appointing a committe of six, to take into consideration, the propriety of dividing this State into Congressional districts under the census of1830 was taken up and adopted.

The Speaker appointed Messrs. Murray,McIver, Frey, Holman, Wyly and Brabson said committee.

Mr. Jetton submitted the following,

Resolved, By the General Assembly of the State of Tennessee, That John Patterson and Richard Ranson be and they are hereby appointed Justices of the Peace for the County of Williamson.— And

Mr. Perkins the following,

Resolved, by the General Assembly of the State of Tennessee, That John Black be and he is hereby appointed a justice of the peace for the county of Warren. The rule being suspended, said resolutions were adopted.

Ordered, That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Holman submitted the following,

Resolved, By the General Assembly of the State of Tennessee, That Denton Plumlee be, and he is hereby appointed a justice of the peace in capt. John Plumlee's company of militia for the county of Jackson.

Agreeable to a rule of the Senate said resolution lies one day on the table.

Mr. Wyly introduced

A bill relative to the registration of deeds and other purposes, which was read the first time and passed.

A bill to indemny such counties in this State as are deprived of a part of their county revenue by the act of Assembly of Angust 14, 1822, and the compact entered into by the commissioners appointed by the provisions of said act, was taken up, and, on motion of Mr. M'Clellan, laid on the table.

Mr. Lytle submitted the following;

Resolved, That the committee on land claims be instructed to inquire into the expediency of passing a law opening the commissioner's office for the adjudication of land claims, and that they have leave to report by bill or otherwise.

Mr. M'Clellan from the committee appointed to wait upon His Excellency, the Governor, to inform him of his election, and to make arrangements for his inauguration, reported, that they had performed their duty, and that 11 o'clock this morning had been agreed upon for the meeting of the two branches of the General Assembly, at which time the Speaker and gentlemen of the Senate repaired to the Hall of the House of Representatives, where an oath of office was administered to his Excellency, the Governor, by the Hon. John Catron, one of the Judges of the Supreme Court of this State.

And thereupon the Speaker and gentlemen of the Senate returned to their own chamber.

A resolution appointing Justices of the Peace for the counties of Warren and Hickman, was taken up, read and concurred with.

Ordered, That the clerk acquaint the Houss of Representatives thereweth.

And then the Senate adjourned until Monday Morning, 10 o'clock.

MONDAY MORNING, OCTOBER 3rd, 1831.

Mr Davis presented the return of the clerk of the circuit court of Wayne county, shewing the amount of State tax collected by him for the years 1829 and 1830, which was referred, on motion of Mr. Davis, to the committee on Finance.

A resolution submitted on Saturday last by Mr. Lytle, instructing the committee on land claims, to inquire into the propriety of passing a law opening the commissioner's office for the adjudication of land claims, was taken up, read and adopted. And

A resolution submitted on Saturday last by Mr. Holman, appointing Denton Plumlee a Justice of the Peace for Jackson county, was taken up, read and adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A resolution from the House of Representatives proposing to go into the election of a surveyor general for the 11th District, and surveyors for the counties of Hamilton, Knox and Cocke, was taken up, read and amended, on motion of Mr. Anderson, by striking therefrom the word "Knox," and inserting, in lieu thereof, the word "Anderson."

And the House of Representatives being informed of said amendment, a message of concurrence was thereupon received.

The resolution, as amended, was then read and concurred with.

Ordered, That the clerk acquaint the House of Representatives therewith.

A messsage from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign an enrolled resolution, appointing Justices of the Peace for the counties of Hickman, Jackson and Sumner, and an enrolled resolution appointing justices of the peace for the county of Williamson

The Speaker of the Senate signed said enrolled resolutions, and ordered them to be deposited in the office of the Secretary of State.

The House of Representatives have adopted a resolution, that the committees of the two Houses on Finance act jointly in their settlements with the Treasurers of this State.

They have adopted a resolution appointing John Blair, jr. Joseph Robertson, Richard H. Taliaffero, Jacob Teener, Josiah Patty and Henry S. Purris, Justices of the Peace for the county of Roane; Jesse Casey, William Cecil, Thomas S. Lea and Garland Lively, Justices of the Peace for the county of Morgan, in which they ask the concurrence of the Senate. And then he withdrew.

Said resolutions were concurred in by the Senate, and the clerk ordered to acquaint the House of Representatives therewith.

Mr. Greene introduced

A bill to incorporate a Board of Internal Improvement east of the Cumberland mountain, and appropriating thirty thousand dollars to the improving the navigation of the Tennessee and Holston rivers.

Mr. Gillespy,

A bill concerning Justices of the Peace.

Mr. Frey,

A bill for the relief of Wilson Sanderlin and others. And

Mr. Perkins,

A bill to repeal the Supreme, Chancery and Circuit Courts.

Said bills were severally read the first time and passed.

Mr. Field introduced

A bill for the relief of Joel L. Stone, which was read the first time, and referred, on motion of Mr. Field, to the committee on propositions and grievances

A bill to authorize the entry taker of Perry county, to keep his office at his own house, and for other purposes. And

A bill to authorise William Martin to build a bridge across Collins' river in Warren county, were severally read the third and last time in both Houses, passed, and ordered to be enrolled.

Mr. Gillespy withdrew for amendment,

A bill concerning guardians.

Mr. Holman,

A bill to repeal an act entitled an act to explain and amend an act entitled an act to regulate certain proceedings on executions, and for other purposes, passed Nov. 27, 1829. And

Mr. Anderson,

A bill to repeal the law allowing tax fees to Attorneys.

Mr. Holman returned without amendment,

A bill to repeal an act entitled an act to explain and amend an act entitled an act to regulate certain proceedings on executions, and for other purposes, passed Nov. 27th, 1829.

Said bill was withdrawn by Mr. Wyly for amendment.

A message from the House of Representatives, by Mr. Campbell, their clerk.

MR. SPEAKER,

The House of Representatives concur in the Senate's resolution appointing Justices of the Peace for Williamson county.

The Speaker of the House of Representatives did this day sign an enrolled resolution appointing Justices of the Peace for the counties of Warren and Hickman. And then he withdrew.

Said enrolled resolution was signed by the Speaker of the Senate, and ordered to be deposited in the office of the Secretary of State.

Mr. Frey introduced

A bill for the relief of William Boyles, which was referred, on motion of Mr. Frey, to the committee on propositions and grievances.

A bill for the benefit of Aaron Higginbotham, was, an motion of Mr. Perkins, referred to the committee on internal improvement.

A bill more effectually to prevent frauds, was taken up on its second reading, read and rejected.

A bill to establish an additional Court Martial in the 4th Regiment of Tennessee militia.

A bill to establish a separate battalion in the county of Haywood, and for other purposes.

A bill to authorise Jeremiah Johnson to build a wing mill dam on French Broad river.

A bill to amend the stray laws.

A bill to inclose the milk Sick Hills, in White county.

A bill to incorporate Trenton Female Academy, in the county of Gibson.

A bill to extend the time of making surveys south and west of the Congressional reservation line. And

A bill for the benefit of the register of Maury county, were severally read a second time and passed.

A bill to explain and amend the 7th section chapter 10, of an act entitled an act to prevent frauds in the execution of last Wills and Testaments, and for directing how deeds of gift and bills of sale shall be executed, authenticated and perpetuated, passed in the year 1784, was read and rejected.

A bill to amend the laws relative to the trial of slaves.

A bill to repeal the 4th section of an act passed the 1st of January 1830, entitled an act to amend an act for the benefit of the Bean Station Turnpike Road.

A bill giving further time for surveying entries, and obtaining grants thereon.

A bill to amend an act entitled an act for the relief of Sheriffs, passed Nov. 6, 1811 And

A bill change the time of holding regimental musters in the 76th regiment of T. M. were severally read a third time and passed.

A bill for the relief of John Key and Thomas White, of Anderson county, was read a second time, and referred, on motion of Mr. Anderson, to the committee on propositions and grievances.

A bill to amend and explain an act entitled an actmore effectually to prohibit county officers from speculating in county claims, was taken upon its third reading, and referred, on motion of Mr. Gillespy, to the Judiciary committee.

Received from the House of Representatives

A bill for the relief of Edmund Bean, a citizen of Rhea county.

A bill to amend an act entitled an act prescribing the mode of conveying criminals to the Public Jail and Penitentiary House, established in this State, and for their government therein, passed December 28th, 1829.

A bill to prevent Sheriffs and other officers holding elections

from opening the tickets of voters before they are put in the ballot box.

A bill providing for the entry of the forfeited lands in the Hiwassee District.

A bill to exempt the militia of the 58th regiment in the county of Morgan from attending battalion musters.

A bill to amend the militia laws of this State.

A bill to divorce the persons therein named.

A bill to reduce the fees of county registers.

A bill to reduce the salaries of the Judges of the Supreme and circuit courts.

A bill to establish the Montgomery rangers.

A bill for the benefit of James C. Davidson.

A bill requiring the entry taker of Bedford county to record certain entries.

A bill for the benefit of William M'Coy.

A bill to extend the limits of the town of Jackson in the county of Madison.

A bill for the benefit of John Overton. And

A bill for the benefit of Richard C. Napier, which were severally read the first time and passed.

The Senate then adjourned until tomorrow morning, nine o'clock.

TUESDAY MORNING, OCTOBER 4th, 1831.

Mr. Brabson presented the memorial of a number of citizens of Claiborne county in behalf of Wesley Simmons, Isham Simmons and others, which was referred, on motion of Mr. Brabson, to the committee on propositions and grievances.

Mr. Davis presented the petition of William Ethbridge, praying to be divorced from his wife Lucy Ann Tennessee Flake, which, with its accompanying documents, were referred, on motion of Mr. Davis, to the committee on divorces.

Mr. Murray presented the petitions of a number of citizens of Humphreys county, praying the appointment of certain individuals of said county to the office of Justices of the Peace, which were, on motion of Mr. Murray, referred to the committee on militia companies and Justices of the Peace.

Mr. Gillespy, from the committee on the Judiciary, returned with an amendment.

A bill on its third and last reading, for the relief of Elizabeth Young, administratrix of Wm. Young, deceased, said amendment was received, and the clerk ordered to acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. M'Iver, from the committee on propositions and grievances, reported as reasonable,

A bill for the relief of Joel L. Stone.

Mr. Gillespy offered an amendment thereto, providing for the relief of Nathaniel Ragan; which was received. The bill as amended was read the first time and passed.

Mr. Murray introduced

A bill to alter the time of holding the county courts of Dyer and Obion counties, and for other purposes.

Mr. Bradford,

A bill to repeal part of an act entitled an act to reform and amend the penal laws of the State of Tennessee, passed the 9th December, 1829.

Mr. Anderson,

A bill to amend and explain the law concerning elections.

Mr. Greene,

A bill to secure and provide for the collection of the legitimate revenue of this State.

And Mr. Burford,

A bill to provide for the payment of the members, clerks and doorkeepers of the present General Assembly, and to reduce the pay of the Judges of the supreme, chancery and circuit courts.

Said bills were severally read the first time and passed.

Mr. Bradford submitted the following:

Resolved, That the Treasurer report the different items of expenditure, separately included in the aggregate sum of $39,226 42 cents, stated in his report of the 30th of September last, and that he report also the precise amount separately of each of said items of expenditure.

On motion of Mr. Murray, the Senate took up

A bill to indemnify such counties in this State as are deprived of a part of their revenue by act of Assembly of the 14th August, 1822, and the compact entered into betweeen the commissioners appointed by the provisions of said act.

Said bill was read, and, on motion of Mr. Murray, referred to a select committee.

The Speaker appointed Mr. Murray, Mr. Bradford, Mr. M'Iver and Mr. Greene, said committee.

A bill for the relief of John R. Charter, was referred, on motion of Mr. Davis, to the committee on propositions and grievances.

A message from the House of Representatives by Mr. Campbell their clerk,

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign an enrolled resolution appointing Justices of the Peace for the counties of Roane and Morgan.

They have received, read and accepted, the resignation of Judge Catron, herewith transmitted.

The House of Representatives concur with the Senate's resolution appointing John Black a Justice of the Peace for the county of Warren. They have adopted a resolution rescinding the resolution providing for the election of a surveyor for Cocke county, on this day, to which they ask your concurrence. And then he withdrew.

Said resolution was concurred in by the Senate, and the clerk ordered to acquaint the House of Representatives therewith.

On motion of Mr. Polk, the resignation of the Hon. John Catron, one of the Judges of the Supreme Court of Errors and Appeals, was taken up, read and accepted.

The Speaker of the Senate signed an enrolled resolution from the House of Representatives, appointing Justices of the Peace, for the counties of Roane and Morgan, and ordered them to be deposited in the office of the Secretary of State.

A message from the House of Representatives, by Mr. Campbell, their clerk.

MR. SPEAKER.

The House of Representative concur in the amendment proposed by the Senate to "A bill for the relief of Elizabeth Young, administratrix of William Young, dec'd. Said bill as amended was then read a third and last time in both houses, passed and ordered to be enrolled.

I am directed to inform the Senate that the House of Representatives are now ready to go into the several elections set apart for this day. And then he withdrew.

Whereupon

The Speaker and gentlemen of the Senate repaired to the Hall of the House of Representatives, and thereupon the two Houses proceed by joint ballot to the election of a Public Printer, and on collecting and counting out the ballots it appeared that Allen A. Hall, of the town of Nashville, and Frederic S. Heiskell, of the the town of Knoxville were jointly and duly elected.

The two houses next proceeded to the election of a Surveyor General for the eleventh Surveyors district, and upon collecting and counting out the ballots it appeared that Edmund W. Tipton was duly and constitutionally elected surveyor of the eleventh distict. The two houses next proceeded to the election of a Surveyor for the county of Anderson, and upon collecting and counting the ballots, Wyley C. Young was duly elected Surveyor for said county. The two houses next proceeded by joint ballot to the election of a Surveyor for the county of Hamilton, and upon collecting and counting out the ballots Benjamin B. Cannon was duly elected Surveyor for said county.

And thereupon the Speaker and gentlemen of the Senate, on motion of Mr. Bradford returned to their own chamber.

And then the Senate adjourned.

WEDNESDAY MORNING, 5th OCTOBER, 1831.

Mr. Murray presented the petition of John Standford and Stanly Mitchell, signed by numerous citizens of Weakly county, asking a preemption and leave to build a mill on the middle fork of Obion river, which was referred on motion of Mr. Murry to the committee on Land claims.

Mr. M'Iver presented the returns of the clerk of the circuit court of Hardeman county, shewing the amount of taxes collected by him for the years 1829 and 1830, which was on motion of Mr. McIver refered to the committee on Finance.

Mr. Gillespy presented the petition of Nancy Banty praying to be divorced from her husband Peter Banty, and also a letter to him on that subject from the said Nancy Banty, which were read and refered on motion of Mr. Gillespy to the committee on divorces.

Mr. Polk from the committee of enrolments, reported as correctly enrolled "A resolution directory to the President and Directors of the Bank of the State of Tennessee." A resolution appointing a Justice of the peace for the county of Warren—And an enrolled act for the relief of Elizabeth Young, administratrix of William Young, deceased.

The Speaker of the Senate signed said enrolled Resolutions and Bill, and ordered them to be transmitted to the House of Representatives.

A resolution submitted on yesterday by Mr. Bradford, requiring the Treasurer to report the different items of expenditures, separately included in the aggregate sum of $39,226 42 cents, stated in his report of the 30th of Sept., and requires him to report also the precise, amounts separately of each of said items of expenditures, was taken up, read and adopted.

Mr. Greene from the committee on Internal Improvement to whom was referred "A bill to amend an act authorizing John Brown to open and keep up a turnpike road, passed the 9th day of January 1830; reported that the committee have had the same under consideration, consider its provisions reasonable and recommend its passage with the following amendments, (to wit.) "strike out thirty seven and a half cents for the United States mail stage, and insert twenty-five cents," and for foot passengers strike out six and a quarter cents, said report was concurred in the Senate, the amendments made and the bill read as amended a second time and passed.

Mr. Greene from the same, to whom was referred "A bill for benefit of Aaron Higginbotham, reported that the committee have had the same under consideration, consider its provisions reasonable, and advise its passage, with an amendment allowing him fifty years rights to said Turnpike road, instead of 25 as now provided in said bill. The Senate refused to extend the time from 25 to 50 years but concurred with the balance of said report--the bill was then read a third and last time in both houses, passed and ordered to be enrolled.

Mr. Greene from the same, to whom was referred a resolution instructing said committee to enquire into the expediency of appropriating a portion of the funds allotted to East Tennessee for the improving the navigation of Tennessee River from the foot of the boiling pot to Knoxville, and of placing the same in the hands of the board of Internal Improvement, reported that the committee had examined the provisions of the same, consider them reasonable, and had instructed him to report a bill setting apart and appriating $30,000 to said object.

Mr. Greene from the same to whom was referred a resolution instructing them to enquire into the expediency of establishing a a separate and independent board of Internal Improvement for East Tennessee, reported that the committee have also had the same under consideration, think the proposition fair, and had instructed him to report a bill for that object.

Mr. Greene from the same, to whom was referred "A bill to amend the laws of this State on the subject of public roads" reported that the committee have had the same under consideration, think its provisions unreasonable, and advise its rejection. Mr. Holman moved a nonconcurrence with the report; and thereupon the question was submitted "Will the Senate nonconcur with said report" and determined in the negative,—Ayes 9—Noes 11. The Ayes and Noes being constitutionally demanded by Mr Gillespy.

Those who voted in the affirmative are,

Messrs. Anderson, Brabson, Burford, Field, Frey, Gillespy, Holman, M'Clellan, Wyly 9.

Those who voted in the negative are,

Messrs. Speaker, Andrews, Bradford, Davis, Greene, Jetton, Lytle, M'Iver, Murray, Perkins, Polk 11.

And so said motion was overruled,

Mr. Jetton then moved a concurrence with the report of the committee in relation to the 1st section of said bill. And the question thereupon being had, "Will the Senate concur?" itwas determined in the affirmative—Ayes 18, Noes 2.

The Ayes and Noes being constitutionally demanded by Mr. Holman,

Those who voted in the affirmative are,

Mr. Speaker, Andrews, Brabson, Bradford, Burford, Davis, Field Frey, Gillespy, Greene, Jetton, Lytle, M'Clellan, M'Iver, Murray, Perkins, Polk and Wyly, 18.

Those who voted in the negative are,

Mr. Anderson, Holman, 2.

And so said first section was rejected.

The bill was then read as amended a second time and passed,

A bill to amend an act entitldd an act providing the mode of conveying criminals to the Public Jail and Penitentiary house of this State and for their government therein, passed December 28, 1829, was taken up, read and amended by Mr. Burford; the bill was then read a second time as amended, and passed.

Mr. M'Iver introduced

A bill to incorporate Clinton Lodge in the town of Bolivar.

Mr. Murray,

A bill to amend an act entitled an act to establish a board of Internal improvement, and set apart $150,000 to be appropriated to the improvement of the navigable rivers, and other objects of internal improvement in this State.

Mr. Bradford,

A bill to repeal all laws authorizing the Treasurer to sell or rent the lands laid off for the use of schools in this State, and for other purposes.

And Mr. Holman,

A bill to authorise appeals in cases of fines for contempt.

Said bills were severally read a first time and passed.

Mr. Wyly returned with an amendment in lieu of the whole,

A bill to repeal an act entitled an act to explain and amend an act entitled an act to regulate certain proceedings on executions, and for other purposes, passed Nov. 27, 1829

Said bill and amendment were, on motion of Mr. M'Iver, referred to the committee on the Judiciary.

On motion of Mr. Greene, it was ordered that the order made on Friday last, to print two thousand copies of the report of the Treasurer of Middle Tennessee, made on that day, be rescinded.

Mr. Anderson returned with an amendment in lieu of the whole,

A bill to repeal the law allowing tax fees to attornies, and for other purposes.

Mr. Bradford moved to strike out all but the first, second and third sections of said amendment. And the question thereupon being had, "Will the Senate strike out?" it was determined in the negative—Ayes 5, Noes 15.

The Ayes and Noes being demanded,

Those who voted in the affirmative are,

Mr. Andrews, Bradford, Davis Frey, and Jetton—5.

Those who voted in the negative are,

Mr. Speaker, Anderson, Brabson, Burford, Field, Gillespy, Greene, Holman, Lytle, M'Clellan, M'Iver, Murray, Perkins, Polk, and Wyly, 15.

And so said amendment was not made.

The question then recurred upon the amendment offered by Mr. Anderson, in lieu of the whole bill; and being put, it was determined in the negative—Ayes 5, Noes 15.

The Ayes and Noes being demanded,

Those who voted in the affirmative are,

Mr. Anderson, Brabson, Davis, Holman, Lytle—5.

The negative votes were,

Mr. Speaker, Andrews, Bradford, Burford, Field, Frey, Gillespy, Greene, Jetton, M'Clellan, M'Iver, Murray, Perkins, Polk, and Wyly, 15.

And so said amendment was rejected.

The bill was then put upon its passage, and on the question, "Shall the bill pass?" it was determined in the affirmative—Ayes 16, Noes 4.

The Ayes and Noes being demanded,

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Andrews, Bradford, Burford, Field, Gillespy, Greene, Holman, Jetton, M'Clellan, M'Iver, Murray, Perkins, Polk, Wyly, 16.

The negative voters are,

Mr. Brabson, Davis, Frey, Lytle—4.

And so said bill passed its second reading.

Mr. Bradford submitted the following:

Resolved, That the door keeper be authorised to have put up in a suitable manner a stove in the Senate chamber, and that he furnish the committee on contingent expenses with a bill of the cost. And the rule being suspended,

On motion of Mr. Bradford, said resolution was adopted.

Mr. Gillespy presented the following report from Thomas Crutcher, Treasurer of Middle Tennessee.

Nashville, Oct. 4, 1831.

Agreeably to a resolution of the General Assembly of the State of Tennessee, passed the 26th day of September, and this day received by (me) beg leave to report,

That at the close of the session of 1827,

There remained in the hands of the Treasurer,	$36,041 28
The amount of expense of that session,	31,751 55
Leaving a balance of	4,289 73

That at the close of the session 1829 & 1830, there appeared in the hands of the Treasurer on a settlement with the committee on Finance for the

revenue of 1827 and 1828, the sum of	$57,467 40
The amount of expense of that session at the close,	39,226 42
	18,240 98
Witnesses in the trial trial of Judges Williams & Haskell,	1,621 84
	16,619 14

Leaving a balance in the hands of the Treasurer, of sixteen thousand six hundred and nineteen dollars, and fourteen cents. Respectfully submitted and errors excepted, by

THOMAS CRUTCHER, Treasurer.

And then the Senate adjourned.

THURSDAY MORNING, OCTOBER 6, 1831.

Mr. Bradford from the committee on public printing, to whom was referred "A bill concerning the distribution of Haywood and Cobb's Revisal," reported that the committee have had the said bill under consideration, proposed no change thereto, and had instructed him to ask leave to be discharged from the further consideration thereof.

Mr. Bradford moved to fill the blank in said bill with two dollars and fifty cents, which motion was lost.

Mr. Burford then moved to fill the said blank with the sum of three dollars. And the question thereon being had, it was determined in the affirmative—Ayes 13, Noes 6.

The Ayes and Noes being constitutionally demanded by Mr. Murray,

Those who voted in the affirmative are,

Mr. Speaker, Douglass, Brabson, Bradford, Burford, Davis, Field, Frey, Greene, Jetton, M'Clellan, M'Iver, Perkins, Polk, Wyly—14.

Those who voted in the negative are,

Mr. Anderson, Andrews, Gillespy, Holman, Lytle, Murray, 6.

And so said motion prevailed.

Mr. Burford offered an additional section as an amendment to said bill, making it the duty of each and every Justice of the Peace, upon receiving a copy of Haywood and Cobb's revisal, to execute a bond payable to the chairman of their respective county courts and their successors in office—conditioned that they return said book to the clerk on their removal, death or resignation.

Mr. Greene offered the following in lieu of the amendment offered by Mr. Burford, that each Justice of the Peace on the recep-

tion of a copy of Haywood and Cobb's revisal, as provided for by the act of 1827, shall execute his receipt to the clerk of the county court wherein such Justice resides, and shall, on his resignation, removal or death, return the same as required by the act above referred to.

And the question thereupon being had, it was determined in the affirmative—Ayes 14, Noes 6.

The Ayes and Noes being demanded,

Those who voted in the affirmative are,

Mr. Speaker, Andrews, Bradford, Davis, Frey, Greene, Jetton, Lytle, M'Clellan, M'Iver, Murray, Perkins, Polk, Wyly—14.

Those who voted in the negative are,

Mr. Anderson, Brabson, Burford, Field, Gillespy, Holman—6.

And so said amendment was received.

The bill was then read as amended a second time and passed.

Mr. Greene presented the memorial of John Blair, James Johnston and William Tunnell, citizens of Roane county, which was read and referred, on motion of Mr. Greene to the committee on Indian reservations.

Mr. Polk from the committee of enrollments, reported as correctly enrolled, "An act for the benefit of Aaron Higginbotham. The Speaker of the Senate signed said enrolled act, and ordered it to be transmitted to the House of Representatives.

Mr. Frey submitted the following:

Resolved, That a select committee consisting of five members, be appointed to inquire into the propriety of passing a law at the present session, making provision for taking the enumeration of the free male inhabitants in this State, and that they have leave to report by bill or otherwise.

Mr. Bradford, the following:

Whereas one of the Judges of the Supreme court in a letter of resignation to this General Assembly, has made suggestions of what he considers to be the cause of the great delay which is said to exist in the trial of causes in said court at Nashville, unfavorable to his associates; and whereas, upon a subject of such delicacy and importance, it is desirable and right, that the opinion of the remaining Judges, in relation to this matter, should also be expressed, that the Legislature may be enabled to adopt such a course of measures, as will obviate the evils, if it shall appear that such do exist. Therefore,

Resolved, That the Honorabl Jacob Peck, and the Hon. Robert Whyte, be furnished with a copy of the letter of resignation of the Hon. John Catron, with a request that they state to this General Assembly, if great delay does exist in the administration of Justice in the Supreme court at Nashville, and the causes thereof. And

Mr. Greene, the following:

Resolved, That a select committee be appointed, to consist of five, to be denominated the committee on forfeited lands, in the Hiwassee District.

On motton of Mr. Burford,

Ordered, That Mr. M'Clellan and Mr. Wyly be added to the select committee.

On a bill to equalize the tax on merchants.

The Senate took up, on its third and last reading in both Houses,

A bill to amend an act entitled an act prescribing the mode of conveying criminals to the Public Jail and Penitentiary House, established in this State, and for their government therein, passed December 28th, 1829.

Mr. M'Clellan offered an amendment thereto, allowing sheriffs or other officers conveying criminals to said Penitentiary, two dollars and fifty cents for every twenty-five miles' travel, instead of two dollars, as now provided for in said bill.

Said amendment was received, and the bill being further amended, it was ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A bill for the relief of Elizabeth Casey of Rhea county, was, on motion of Mr. Murray, ordered to lie on the table.

A bill relative to the registration of deeds, and other papers, was withdrawn, by Mr. M'Clellan, for amendment.

Mr Gillespy withdrew for amendment

A bill to compel constables to pay a poll tax.

Mr. Holman withdrew and returned with an amendment,

A bill to reduce the fees on marriage license.

The amendment was rejected, the bill read the first time and passed.

Received from the House of Representatives,

A bill for the benefit of Wm. Motherhead.

A bill to authorise the construction of a bridge across Cumberland river at Nashville, above the mouth of Broad street.

A bill authorizing imprisonment for misdemeanors in certain cases.

A bill repealing all laws taxing suits at law and equity. And

A bill to incorporate the town of Lagrange in the county of Fayette.

Said bills were severally read a first time and passed.

Mr. Wyly introduced

A bill to authorise Justices of the Peace to take bail in certain cases.

Mr. Gillespy,

A bill to regulate the academies in this State.

Mr. Anderson,

A bill to amend an act passed the 13th day of January 1830, en-

titled an act to prescribe the manner of holding elections to elect members of the General Assembly, members of Congress and electors, to elect a President and Vice President of the United States.

Mr. Holman

A bill to prevent the bringing of law suits and for the benefit of defendants.

And Mr. McIver,

A bill to authorize the Sheriff of Hardeman county to pay over certain monies—all of which were severally read the first time and passed.

Mr. Anderson withdrew for amendment,

A bill concerning guardians.

Received from the House of Representatives,

A bill to encourage the raising of good horses, which was read a first time and rejected.

A bill to provide for the payment of the members, clerks and door keepers, of the present General Assembly, and to reduce the salaries of the Judges of the Supreme, Chancery and Circuit courts, was on motion of Mr. Burford ordered to lie on the table.

A bill for the relief of the Surveyor general of the 13th District in this State, was read a 2nd time and passed.

Mr. Bradford introduced

A bill to do away jury trials in county courts. And

Mr. Murray,

A bill to authorize the Register of Carroll county to keep his office at his own house. Said bills were severally read a first time and passed.

The Senate then adjourned.

FRIDAY MORNING, OCTOBER 7, 1830.

Mr. McClellan presented the petition of William Hartman, Jailer of Sullivan county, accompanied with said Hartman's account for keeping William Crutchfield, which were refered on motion of Mr. McClellan, to the committee on claims.

Mr. Davis presented the petition of Mitchell & Banks, praying to be released from the payment of a part of the State tax on their merchants license, which was referred on motion of Mr. Davis to the committee on propositions and grievances.

Mr. Andrews presented the petition of a number of citizens of Henderson county, praying that David Wilson be appointed a justice of the peace, for said county, which was refered on motion of Mr. Andrews to the committee on militia companies and justices of the peace.

Mr. Gillespy from the Judiciary committee reported,

A bill to compensate justices of the peace for the services therein named. Said bill was read a first time and passed.

Mr. Gillespy from the same to whom was refered,

A bill for the benefit of securities, reported that the committee have had the same under consideration, consider its provisions unreasonable and had instructed him to advise its rejection—said report was concurred with, and the bill accordingly rejected.

Mr. Gillespy from the same to whom was refered,

A bill to increase the jurisdiction of justices of the peace, to pay them for their services and for other purposes, reported that the committee have had the same under consideration, believe some of its provisions unreasonable and had instructed him to advise the rejection of the 1st, 2d, 3d, 4th and 6th sections of said bill, and also a part of the 5th section thereof,

Whereupon the question was had, "Will the Senate concur with the report of the committee in relation to the 1st section of said bill," and determined in the affirmative,—Ayes 15—Noes 5.

The Ayes and noes being demanded constitutionally by Mr. Burford. Those who voted in the affirmative are,

Mr. Speaker, Anderson, Brabson, Davis, Field, Frey, Gillespy, Greene, Jetton, Lytle, McIver, Murray, Perkins, Polk, Wyly 15.

Those who voted in the negative are,

Mr. Andrews, Bradford, Burford, Holman, McClellan—5.

And so said report was concurred with, and the said first section of said bill stricken therefrom, the 2d, 3d, 4th and 6th sections thereof was then read, and the question of concurrence, being put upon each section separately, the report of the committee was concurred in and said several sections stricken therefrom.

Mr. Gillespy moved a nonconcurrence with the committee in relation to the 5th section of the bill, which motion prevailed.

Mr. Holman moved to alter the caption of said bill so as to read thus "A bill to pay justices of the peace for their services in certain cases," which motion prevailed.

Mr. McIver moved to strike out so much of said bill as allows justices of the peace twelve and one half cents for issuing a warrant. Said motion prevailed.

The bill as amended was then read, and the question thereon being taken, shall the bill pass," it was deteremined in the affirmative—Ayes 11—Noes 7.

The Ayes and Noes being constitutionally demanded those who voted in the affirmative are,

Mr. Andrews, Brabson, Davis, Field, Gillespy, Holman, Lytle, M'Clellan, M'Iver, Murray and Wyly—11.

Those who voted in the negative are,

Mr. Speaker, Anderson, Bradford, Burford, Frey, Jetton, Polk—7.

And so said bill passed its second reading.

Mr. Gillespy from the Judiciary committee to whom was referred,

A bill to amend and explain an act entitled an act more effectually to prohibit county officers from speculating in county claims, Reported that the committee have had the same under consideration, think its provisions unreasonable and advise its rejection.

Said bill and report was on motion of Mr. Gillespy ordered to lie on the table.

A resolution submitted on yesterday by Mr. Greene proposing to appoint a committee of five to be denominated the committee on forfeited lands in the Hiwassee district, was taken up, read and adopted.

The Speaker appointed Messrs. Greene, McClellan, Perkins, Holman, Bradford:

A resolution submitted on yesterday by Mr. Frey, proposing to appoint a select committee of five to enquire into the expediency of passing a law at the present session, making provision for taking the enumeration of the free male inhabitants in this State with leave to report by bill or otherwise, was taken up, read and adopted.

The Speaker appointed Mr. Frey, Mr. Polk, Mr. Brabson, Mr. Anderson and Mr. Murray.

A resolution submitted on yesterday by Mr. Bradford, directory to the Honorable Jacob Peck, and the Honorable Robert Whyte, Judges of the Supreme Court of Errors and Appeals was taken up and read. Mr. Holman offered the following as an amendment thereto.

Resolved, That the Honorable Robert Whyte and the Honorable Jacob Peck, be furnished with a copy of the letter of resignation of the Honorable John Catron, with a request that they tender their resignations to this General Assembly, containing a statement of the causes of delay (if such exist) in the administration of justice in the Supreme Court at Nashville.

Mr. Burford moved the indefinite postponement of said resolution and amendment, which motion was sustained.

And then the Senate adjourned until tomorrow morning 9 o'clock.

SATURDAY MORNING, OCTOBER 8, 1831.

Mr. Frey presented the following reports from Thomas Crutcher, Esq. Treasurer of Middle Tennessee.

NASHVILLE, 6th October, 1831.

Agreeably to a resolution adopted in Senate the 27th September, 1831;

The Treasurer begs leave to report, that he has no way by

which he can obtain the information required, as no part of the money was made payable to him, neither from the entries made or taxes laid on the lands, has had neither the receiving of the money, nor the disbursement thereof.

Very respectfully, your obedient servant,

THOMAS CRUTCHER, Treasurer.

Nashville, 5th October, 1831.

Agreeably to a resolution of this date, requiring the different items of expenditures of the session of 1829 and 1830, beg leave to offer the following report:

Amount paid Senators, 1829 & 1830.

Joel Walker, Speaker,	$596 00	Isaac Holman,	$488 00
Jared S. Allen,	496 00	Adam Huntsman,	512 00
David Burford,	480 00	Joseph Johnson,	473 28
James Campbell,	491 20	Edward B. Littlefield,	479 36
Newton Cannon,	472 32	William Lytle,	464 00
Martin Cleveland,	537 60	John D. Love,	500 48
Henry Frey,	471 36	Abram M'Clellan,	564, 80
John F. Gillespy,	521 60	Samuel G. Smith,	488 00
George Graves,	528 00	John Tipton,	562 88
James I. Greene,	520 00	Jonathan Webster,	481 60
		Total,	$10,128 48

Paid members of the House of Representatives.

Ephraim H. Foster,	$464 00	Andrew L. Martin,	508 00
Isaac Allen,	546 00	John M'Farland,	546 24
Dixon Allen,	480 00	John M'Gaughey,	556 32
John W. M. Brazeale,	515 20	John Miller,	515 40
William Brady,	474 56	Samuel Mitchell,	480 00
William B. Carter,	569 60	Cleon Moore,	551 04
Richard Cheatham,	472 00	John Nelson,	560 00
William Davis,	488 00	Robert Nevins,	496 00
James Dobbins,	476 80	Archibald W. Overton,	480 00
Burchet Douglass,	474 24	William E. Owen,	469 76
Richard G. Dunlap,	529 92	James B. Perkins,	488 00
Warham Easley,	540 80	James Robertson,	499 20
Robert C. Foster,	469 76	David Rogers,	544 00
James Gillespy,	529 92	Jonathan Tipton,	521 60
Berry Gillespy,	497 60	Samuel Turney,	496 00
Bolin Gordon,	480 00	Hopkins L. Turney,	491 20
Thomas K. Gordon,	484 80	Miles Vernon,	511 52
James Gray,	494 40	Charles Watkins,	471 04

Fred. W. Huling,	480 00	Roger Barton,	521 60
Wm. M. Inge,	488 00	Hugh W. Dunlap,	497 60
			$20,160 12
		Am't from the Senate,	10,128 48
			$30,288 60

William K. Hill, principal clerk of the Senate,	$696
William Martin, assistant, do. do.	696
Thomas J. Campbell, principal clerk H. Representatives,	696
Edmond W. Tipton, assistant, do. do.	696
Cornelius Slater, doorkeeper Senate,	464
James M'Dowell, principal doorkeeper H. of R's,	464
Joseph Hickey, assistant, do. do.	464
	$4,176 00
	30,288 60
	$34,464 60
Judge Williams' trial,	1,253 62
Judge Haskell,	368 22
	$36,086 44

Paid Ric'd C. Napier,	$106 00	Wm. M. Berryhill,	$200 00
Wm. Garner,	35 87½	Jacob P. Chase,	300 00
Crockett & Park,	146 97	James A. Whiteside,	425 00
Jesse L. Smith,	22 00	Wm. K. Hill,	120 00
Atkins & Hendon,	11 25	Cornelius Slater,	30 00
Thomas J. Foster,	240 00	Ben. F. Herndon,	200 00
John S. Simpson,	569 32	Joel H. Webster,	150 00
Allen A. Hall,	652 33	James M'Dowell,	72 50
Robertson & Elliott,	837 87½	Daniel Graham,	293 00
Jeffrey Lanklin,	100 00	Gideon J. Pillow,	100 00
Joel Walker,	3 38	John Austin,	146 32
			4,761 81
		amount,	36,086 44
			$40,848 25

E. E. by

THOMAS CRUTCHER.

Said report was read at the clerk's table, and, on motion of Mr. Frey, ordered to lie on the table.

Mr. Lytle presented a communication from the President and Directors of the Bank of the State of Tennessee, made in obedience to a resolution adopted in Senate on the 26th September last. Which was read at the clerk's table, and referred, on motion of Mr. Burford, to the committee on Banks.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign an enrolled act entitled an act to change the time of holding the regimental muster in the 76th regiment of Tennessee militia. They concur with the Senate's resolution directory to the Board of Trustees of the Nashville University and of East Tennessee College.

They have accepted the resignation of William Fitzgerald, Attorney General for the 16th Solicitorial District. And have adopted a resolution appointing William Williamson and Hugh W. Robertson, Justices of the Peace for the county of Wilson, in which they ask the concurrence of the Senate. And then he withdrew.

The Senate concurred with said resolution, and ordered the clerk to acquaint the House of Representatives therewith.

The resignation of Wm. Fitzgerald was read and accepted.

On motion of Mr Anderson,

The Senate took up and read

A bill providing for the distribution of Haywood and Cobb's revisal.

Mr. Davis moved to strike from said bill, that part allowing a copy of said revisal to the University at Nashville, and to Washington and Greeneville colleges.

And the question thereupon being had, it was determined in the negative—Ayes 7, Noes 12.

The Ayes and Noes being constitutionally demanded by Mr. Bradford,

Those who voted in the affirmative are,

Mr. Bradford, Davis, Frey, Holman, Jetton, M'Iver, Perkins, 7.

Those who voted in the negative are,

Mr. Speaker, Anderson, Andrews, Brabson, Burford, Field, Gillespy, Greene, Lytle, M'Clellan, Polk, Wyly—12.

And so said motion was lost.

Said bill was then read a third and last time in both Houses, passed, and ordered to be enrolled.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives non-concur in the several amendments proposed by the Senate to

A bill to amend an act, entitled an act to prescribe the mode of carrying criminals to the public jail and penitentiary house established in this State, and for their government therein, passed December 28th, 1829. And then he withdrew.

The Senate receded from said amendments—

Mr. Greene proposed an amendment thereto, making it the duty of the Treasurer to pay to the Sheriff or other officer, conveying convicts to said Penitentiary, all sums by him paid as ferriages and tolls, for himself and guards.

Said amendment was received and the clerk ordered to acquaint the House of Representatives therewith.

Mr. McClellan returned with an amendment,

A bill relative to the registration of Deeds, and for other purposes.

Said amendment was received, and the bill referred on motion of Mr. Wyly to the Judiciary committee.

Received from the House of Representatives

A bill to incorporate the subscribers to the Bank of the State of Tennessee; Mr. Gillespy offered an amendment to the 8th section thereof, which was received. The bill as amended was read the first time and passed.

A bill to reduce the fees of county Registers, was taken up read and rejected.

A bill to repeal part of an act entitled an act to reform and amend the penal laws of this State, passed the 9th of December, 1829, was taken up on its 2d reading. Mr. Gillespy moved to amend that part of said bill which provides "that the commission of the 2d and 3d offences mentioned in the fifty-fifth section of said act, shall not subject the offender or offenders to penitentiary confinement, but to punish them according to the laws in force and use, previous to the passage of the above recited act," by inserting the word "hereafter" immediately after the word "that" and preceding the words "the commission," so as to prevent its operating in favour of those already guilty of the commission of said offences; and thereupon the question was had, "Will the Senate receive said amendment," and determined in the affirmative. Ayes 11—Noes 7.

The ayes and noes being constitutionally demanded by Mr. Gillespy. Those who voted in the affirmative are,

Mr. Brabson, Burford, Davis, Field, Frey, Gillespy, Greene, Holman, Lytle, McClellan, and Polk—11.

Those who voted in the negative are,

Mr. Speaker, Andrews, Bradford, Jetton, McIver, Perkins, Wyly—7.

And so said amendment was received,

Mr. Jetton offered an additional amendment thereto, which to-

gether with said bill was refered on motion of Mr. Wyly to the committee on the Penitentiary.

A bill for the relief of Elizabeth Casey, of Rhea county, was on motion of Mr. Greene referred to the committee on forfeited lands in the Hiwassee district.

Mr. Gillespy submitted the following,

Resolved, That the committee on education be instructed to ascertain and report to the Senate the amount of money in the bank of the State af Tennessee, or its Agencies, to which each of the Academies in the several counties are entitled.

Mr. Perkins introduced

A bill to authorize the person therein named to retail a small amount of merchandize free of tax.

Mr. Wyly

A bill to amend an act entitled an act for the relief of Executors or Administrators, passed December, 1829.

Mr. Gillespy

A bill to facilitate the transaction of public business in the Legislature of this State.

Mr. Greene

A bill to authorize Alexander Duggan to open and keep up a turnpike road.

Mr. Bradford

A bill to repeal an act entitled an act, to settle the controversy between the colleges and Academies, and the citizens South of French Broad and Holston and West of Big Pigeon rivers, passed the 31st of December, 1829. And

Mr. Gillespy

A bill for the benefit of Robert Cowan.

Said bills were severally read a first time and passed.

A bill requiring the entry taker of Bedford county to record certain entries.

A bill to establish the Montgomery Rangers.

A bill to alter the time of holding the county courts of the counties of Obion and Dyer, and for other purposes. And

A bill to secure and provide for the collection of the legitimate revenue of the state, were severally read the 2nd time and passed.

Received from the House of Representatives.

A bill to incorporate the town of Denmark, in the county of Madison, which was read a first time and passsed.

SUNDAY MORNING, 9th OCTOBER, 1831.

At a special meeting of the Senate convened by order of the Speaker,

A message was received from the House of Representatives by

Mr. Campbell their clerk, announcing the death of the Honorable John Tipton, Representative from the county of Washington, and requesting the Senate to meet them in their Hall this evening at half past two o'clock, for the purpose of making such arrangements as the occasion might require.

Whereupon, the following resolutions were offered by Mr. Greene and adopted.

Resolved, That the Senate will in accordance with their request meet the House of Representatives in their Hall this evening at half past two o'clock, for the purpose of forming the order of procession, and of entering into such other arrangements as the occasion may require.

Resolved, That each member of the Senate, wear black crape upon the left arm for the space of thirty days, as a tribute of respect to the memory of the deceased.

MONDAY MORNING, OCTOBER 10th, 1831.

Mr. M'Clellan presented the petition of Lucinda Farrow, praying to be divorced from her husband John G. Farrow, which was referred, on motion of Mr. M'Clellan, to the committee on divorces.

Mr. Holman presented the petition of Jane Breeding, praying to be divorced from her husband Lindsey O. Breeding, and asked its reference to the committee on divorces.

Mr. Polk from the committee of enrollments, reported as corly enrolled.

A bill concerning the distribution of Haywood and Cobb's revisal.

Said enrolled act was read at the clerk's table, signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

The following message was received from His Excellency, the Governor, by Samuel G. Smith, Esq. Secretary of State:

Fellow-citizens of the Senate,
and of the House of Representatives,

By a resolution of the General Assembly at the last session, the printers of Haywood and Cobb's Digest, were directed to have certain extra printing performed; but no authority, as I conceive, exists to pay for this extra printing.

As the work has been executed, the propriety of making provision for its payment, is submitted to your consideration.

WM. CARROLL.

Executive Office,
Nashville, Oct. 8th, 1831.

Said message was read at the clerk's table, and ordered to be transmitted to the House of Representatives.

Mr. Holman submitted the following:

Resolved, That the Penitentiary committee be instructed to inquire what amendments are necessary to be made in the penal laws of 1829, and report by bill or otherwise.

A resolution submitted on Saturday last by Mr. Gillespy, instructing the committee on Education to ascertain and report the amount of money in the Bank of the State of Tennessee, or its agencies, to which each of the Academies in the several counties are entitled, was taken up, read and adopted.

A resolution heretofore submitted by Mr. Bradford, requiring the Treasurer of East Tennessee, to report to the General Assembly the amount of money refunded by him to purchasers of land in the Hiwassee District, &c. was taken up, read and adopted.

A message from the House of Representatives, by Mr. Campbell, their clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution making the committees of the two Houses on Indian reservations a joint committee.

The House of Representatives concur with the amendment proposed by the Senate to

A bill to amend an act entitled an act prescribing the mode of conveying criminals to the Public Jail and Penitentiary House, established in this State, and for their government therein, passed December 28th, 1826. And then he withdrew.

The Senate concurred in said resolution, and the said bill was read as amended a third and last time in both Houses, passed, and ordered to be enrolled..

A bill to regulate the Academies in this State, was taken up and read.

Mr. Field moved to amend the 4th section of said bill, by striking therefrom that part thereof, giving to the Trustees the right to fill all vacancies, and transferring that right to the county courts. Which motion was sustained.

Said bill, as amended, was, on motion of Mr. Holman, referred to the committee on Education and Common Schools.

Mr. Greene from the committee on Internal Improvement to whom was referred the petition of Amos Marney, reported

A bill to authorize Amos Marney to open and keep up a turnpike road, and advised its passage. Said bill was read a first time and passed.

On motion of Mr. Gillespy it was ordered that Mr. Greene be added to the committee on internal improvement.

A bill concerning Justices of the peace was taken up on its second reading. Mr. Burford moved to refer said bill to the

Judiciary committee, and the question thereon being taken it was determined in the negative. Ayes 8—Noes 10.

The ayes and noes being constitutionally demanded by Mr. Greene—those who voted in the affirmative are

Messrs. Bradford, Burford, Field, Frey, Holman, Lytle, McClellan and Wyly—8.

Those who voted in the negative are,

Messrs. Speaker Douglass, Anderson, Andrews, Brabson, Davis, Gillespy, Greene, Jetton, McIver, and Polk—10

And so said motion was lost.

Said bill was then on motion of Mr. Field, ordered to lie on the table.

Mr. Gillespy withdrew and returned with an amendment,

A bill to authorise imprisonment in certain cases. Said amendment was received, the bill as amended was read a second time and passed.

A bill for the relief of Wilson Sanderlin and others, was referred, on motion of Mr. Frey, to the committee on claims.

A bill to authorise appeals in cases of fines for contempt, was, on motion of Mr. Field, referred to the Judiciary committee.

A bill to compensate James A. Whiteside for superintending the printing Haywood & Cobb's revisal, was amended, on motion of Mr. Anderson, by striking therefrom the words "five hundred dollars," and inserting, in lieu thereof, the words "three hundred and seventy-five dollars."

The bill was then read as amended a third time and passed.

A bill to establish an additional court martial in the 4th regiment of Tennessee militia. And

A bill to authorise Jeremiah Johnson to build a wing milldam on the French Broad River, were severally read the third and last time in both Houses, passed and ordered to be enrolled.

A bill to incorporate Trenton Female Academy in the county of Gibson, was read a third time and passed.

A bill to authorise Justices of the Peace to take bail in certain cases.

A bill for the benefit of Montgomery Irvine, Jailer of Sullivan county.

A bill to authorize the Sheriff of Hardeman county to pay over certain monies.

A bill to authorize the Register of Carroll county to keep his office at his own house.

A bill to repeal all laws authorising the Treasurer to sell or rent the lands laid off for the use of schools in this State, and for other purposes.

A bill to amend an act passed the 13th day of January 1830, entitled an act to prescribe the manner of holding elections to elect members of the General Assembly, members of Congress and elec-

tors, to elect the President and Vice President of the United State in the county of Knox. And

A bill to amend and explain the law concerning elections, were severally read the 2nd time and passed.

A bill to prevent the bringing of law suits, and for the benefit of defendants, was withdrawn by Mr. Holman for amendment.

A bill to incorporate the town of Lagrange in the county of Fayette, was read a second time and passed.

A message from the House of Representatives by Mr. Campbell their clerk,

MR SPEAKER,

The House of Representatives have taken up, on a third and last reading in both Houses,

A bill to compensate James A. Whiteside for superintending the printing Haywood and Cobb's revisal, and propose amending the same by striking out the words "three hundred and seventy-five dollars," and insert in lieu thereof the words "four hundred and fifty dollars." And then he withdrew.

Said message and bill were, on motion of Mr. Anderson, ordered to lie on the table,

Received from the House of Representatives,

A bill to enable the citizens of Dickson county to build a court house in said county, and for other purposes.

A bill to release Stephen Johnson of Haywood county, from the payment of certain monies.

A bill for the relief of the register of East Tennessee.

A bill to establish a town in the county of Henry.

A bill to increase the common school fund.

A bill appointing the time of holding regimental musters in the 99th regiment of Tennessee militia.

A bill to authorise the Sheriff of Lincoln county to appoint three deputies.

A bill explanatory of an act entitled an act to provide a method to help and speed poor persons in obtaining their just rights, and for other purposes.

A bill to amend an act passed December 3rd, 1829, entitled an act to extend the corporation of Brownsville, and for other purposes.

A bill to vest the Boards of Internal Improvement with the power to receive and apply the money set apart for Internal Improvement by the General Assembly of this State in 1829.

A bill to regulate Ordinary and Tavern licenses, and for other purposes.

A bill to authorise the appointment of a jury to attend the next county court of Jackson county. And

A bill to amend an act passed in 1829, chapter 52, all of which were severally read a first time and passed.

TUESDAY MORNING, OCTOBER 11, 1831.

Mr. Perkins, presented the petition of Isaac Hurst, of Warren county, praying to be divorced from his wife Elizabeth. And

Mr. Murray presented the petition of Sarah Griffin, praying to be divorced from her husband, Jesse W. Griffin, both of which were referred to the committee on divorces.

A resolution submitted by Mr. Holman on yesterday, instructing the committee on the Penitentiary to inquire what amendments are necessary to be made in the penal laws of 1829, was taken up, read and adopted.

Mr. Holman submitted the following:

Resolved, That the Senate meet the House of Representatives in their Hall at 10 o'clock, on Tuesday next, for the purpose of going into the election of a Solicitor General for the 5th Solicitorial district.

Mr. Frey, the following:

Resolved, by the General Assembly of the State of Tennessee, That Frederick W. Huling be, and he is hereby appointed, a Justice of the Peace in and for the county of Montgomery.

On motion of Mr. Holman,

The Senate took up and read the message from the House of Representatives proposing to amend,

A bill to compensate James A. Whiteside for superintending the printing and publication of Haywood and Cobb's revisal, by striking therefrom the sum of "three hundred and seventy-five dollars," and inserting in lieu thereof, the sum of "four hundred and fifty dollars," as compensation for his services.

And the question thereon being had, "Will the Senate concur in said amendment," it was determined in the negative—Ayes 6, Noes 14.

The Ayes and Noes being demanded by the constitutional number,

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Gillespy, Greene, Holman, Lytle—6.

Those who voted in the negative are,

Mr. Andrews, Brabson, Bradford, Burford, Davis, Field, Frey, Jetton, M'Clellan, M'Iver, Murray, Perkins, Polk, Wyly—14.

And so said amendment from the House of Representatives was non-concurred with.

On motion of Mr. Anderson,

The Senate again took up, on its third and last reading in both Houses,

A bill concerning Guardians, with the amendment heretofore offered by Mr. Gillespy, which amendment provides, that hereafter guardians shall be chargeable with six per cent interest, for such monies of their wards as shall come into their hands, from the

time they shall have received the same; provided, nevertheless, if it shall appear that the guardian received more than six per cent interest upon the money of the ward, then, and in that case, such guardian shall be made to account for the full amount so by him received.

And the question thereon being submitted, "Will the Senate receive said amendment?" it was determined in the negative—Ayes 7.—Noes 13.

The Ayes and Noes being called, on motion of Mr. Gillespy,

Those who voted in the affirmative are,

Mr. Brabson, Field, Frey, Gillespy, Greene, Lytle, Polk—7.

Those who voted in the negative are,

Mr. Speaker, Anderson, Andrews, Bradford, Burford, Davis, Holman, Jetton, M'Clellan, M'Iver, Murray, Perkins, Wyly—13.

And so said amendment was rejected.

Ordered, That the clerk do by message acquaint the House of Representatives of the amendment proposed to said bill heretofore, and ask their concurrence therein.

Mr. Gillespy returned with an amendment,

A bill to compel constables to pay a poll tax.

Said amendment was received, the bill read as amended a second time and passed.

Mr. Holman returned with an amendment in lieu of the whole,

A bill to prevent the bringing of law suits, and for the benefit of defendants.

Said amendment was not received. The bill was then read and rejected.

On motion of Mr. Bradford, the Senate took up

A bill to do away Jury trials, which was on motion of Mr. Burford, again ordered to the table.

Mr. Anderson introduced

A bill to divorce John Cox from his wife Phebe Cox, and others therein named.

Mr. Holman,

A bill to divorce Jane Breeding from her husband Lindsey O. Breeding. And

A bill to prevent appeals from before Justices of the Peace in certain cases, which were severally read a first time and passed.

A bill for the benefit of Wm. M'Coy. And

A bill for the benefit of the heirs and creditors of James Peake, deceased, of White county, were severally read the 2nd time and passed.

A message from the House of Representatives by Mr. Campbell their clerk.

Mr. SPEAKER,

The Speaker of the House of Representatives

did this day sign an enrolled resolution appointing Justices of the Peace for Wilson county, an enrolled act to repeal the 4th section of an act entitled an act to amend an act for the benefit of the Bean Station Turnpike Road, and an enrolled act giving further time for surveying entries and obtaining grants thereon.

The House of Representatives have adopted a resolution that the Senate meet them in their Hall at 10 o'clock A. M. on Thursday next, for the purpose of electing Solicitors General for the 9th 11th and 16th Solicitorial Districts, in which they ask the concurrence of the Senate. And then he withdrew.

The Speaker of the Senate signed said enrolled resolution and acts, and directed them to be deposited in the office of the Secretary of State.

The Senate concurred with their resolution to go into the election of Attorneys General on Thursday next, and ordered the clerk to acquaint them therewith.

A bill for the relief of the Surveyor General of the 13th district in this State, was withdrawn for amendment by Mr. M'Iver.

A bill for the benefit of the register of Maury county, was read the third time and passed.

Mr. Gillespy introduced

A bill for the relief of Nathaniel Ragan, of Blount county.

Mr. Field withdrew said bill for amendment.

Mr. Murray withdrew for amendment,

A bill for the relief of Joel L. Stone, and others.

Mr. Frey withdrew for amendment,

A bill to amend an act entitled an act for the relief of executors or administrators, passed December 31, 1829.

A bill to vest the boards of Internal Improvement with the power to receive and apply the money set apart for Internal Improvement by the General Assembly of this State in 1829. And

A bill to amend an act entitled an act to establish a Board of Internal Improvement, and set apart one hundred and fifty thousand dollars, to be appropriated to the improvement of the navigable rivers and other objects of internal improvement in this State, were ordered to the table.

A bill to inclose the Milk Sick Hills in White county, was read a third and last time in both Houses, passed and ordered to be enrolled.

Received from the House of Representatives,

A bill to create a fund in each county for common schools. And

A bill for the benefit of the people living on Cumberland mountain in Warren county, which were severally read a first time and passed.

WEDNESDAY OCTOBER 12, 1831.

Mr. Perkins presented the petition of David Barrett, a citizen of Warren county, and asked its reference to the committee on propositions and grievances.

Mr. Anderson from the committee on Indian reservations reported

A bill to provide for the appointing of a board of Commissioners of arbitriment for the decision of controversies, arising under the treatles of 1817 and 1819 concerniag Indian reservations, and advised its passage. Said bill was then read a first time and passed.

A resolution submitted by Mr. Holman, on yesterday to go into the election of Attorney general for the 5th District wast aken up, read and amended on motion of Mr. Holman, by striking out "Saturday," and inserting the word "Tuesday," said resolution as amended was adopted, and the clerk ordered to acquaint the House of Representatives therewith, and ask their concurrence therein.

A resolution submitted on yesterday by Mr. Frey appointing a justice of the peace for Montgomery county, was taken up, read and adopted.

Mr. M'Iver returned with an amendment,

A bill for the relief of the Surveyor General of the 13th District in this State—Said amendment was received, the bill read as amended a third time and passed.

Mr. Murray introduced

A bill to divorce Sarah Griffin from her husband Jesse W. Griffin, which was read and referred on motion of Mr. Murray to the committee on divorces

Mr. Murray returned with an amendment, confining those for whose benefit it was intended, to hawk and peddle in their respective counties.

A bill for the relief of Joel L. Stone, and others—said amendment was rejected. The bill was then put upon its passage, and the question thereon being taken, "shall the bill pass" it was determined in the affirmative—Ayes 17—Noes 3.

The Ayes and Noes being demanded,

Those who voted in the affirmative are,

Mr. Anderson, Andrews, Brabson, Bradford, Davis, Field, Frey, Gillespy, Greene, Holman, Jetton, Lytle, M'Clellan, M'Iver, Perkins, Polk, Wyly—17.

Those who voted in the negative are,

Mr. Speaker, Burford and Murray.—3.

And so said bill passed its 2d reading.

Mr. Field returned without amendment,

A bill for the relief of Nathaniel Ragan of Blount county—said bill was read a first time and passed.

Mr. McIver introduced

A bill to authorize the court of Pleas and Quarter Sessions of Tipton county, to appropriate any surplus money in the County treasury for the purpose of building a court house in the town of Covington. And

A bill for the benefit of Hugh McIntire, of Tipton county.

Mr. Frey

A bill to authorize Miller Francis, treasurer of East Tennessee, to pay certain monies.

Mr. Murray,

A bill to establish a third battalion in the 82d Regiment of the militia of the State. And

Mr. Greene

A bill for the benefit of the widow and heirs of James Blair, deceased.

All of which were severally read a first time and passed.

A message from the House of Representatives by Mr. Campbell their Clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution that the Senate meet them in their Hall on Tuesday the 1st day of November next, for the purpose of electing an attorney general for the 12th district. They have also adopted a resolution appointing Justices of the Peace for the counties of Henry, Lincoln and Montgomery, in which they ask the concurrence of the Senate.

Said resolutions were concurred in by the Senate and the clerk ordered to acquaint the House of Representatives therewith.

The House of Representatives nonconcur in the amendment proposed by the Senate, to

"A bill concerning guardians." And then he withdrew.

The Senate receded from said amendment, and propose amending said bill by adding thereto the words, "Not exceding five per cent," and directed the clerk to acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Gillespy from the Judiciary committee to whom was referred "A bill levying a tax on the sale of Lottery tickets in this State, returned said bill, and asked that the committee be discharged from its further consideration, which being granted the bill was withdrawn for, and returned with an amendment, by Mr. Murray—said amendment was not received, the bill was then upon its 3d reading put upon its passage and rejected.

Mr. Field moved to strike out the 2d section attached by the House of Representatives, to a bill to compensate justices of the

peace for the services therein named;" said motion prevailed—the bill was then read a second time and passed.

Received form the House of Representatives,

A bill for the benefit of Jesse Savage, Mr. Green withdrew and returned said Bill with an amendment, for the benefit of John Witt of Hamilton county, said amendment was received, the bill read as amended a first time and passed.

A bill further to define and extend the jurisdiction of Justices of the peace.

A bill to authorize the sheriff of Lincoln county to appoint three deputies. And

A bill to amend an act entitled an act to amend the penal laws of the State of Tennessee, passed December 9th, 1829, were severally read a second time and passed.

A bill to amend an act entitled an act for the relief of heirs of persons dying intestate, passed December 11th, 1827, was read and rejected.

Received from the House of Representatives.

A bill to open and keep in repair the ford road in the counties of Hawkins and Sullivan.

A bill prescribing the mode of proving deeds executed out of this State, where the bargainer and witnesses are dead.

A bill to compensate F. S. Heiskell for extra printing and binding done on Haywood and Cobb's revisal. And

A bill to authorise a lottery for the continuation of Union street in the city of Nashville, all of which were read the first time and passed.

THURSDAY, OCTOBER 13, 1831.

Mr. Andrews presented the return of the clerk of the court of Pleas and Quarter sessions for the county of Henderson, and asked its reference to the committee on Finance.

Mr. Anderson from the Bank committee reported and submitted the following resolutions:

Resolved, by the General Assembly of the State of Tennessee, That the President and Directors of the State Bank be authorised to make such contracts for the liquidation and settlement of the remaining balance due from the Nashville Bank to the State bank by receiving undoubted security or securities for the same, bearing interest and payable semi-annually, so that the whole will fall due within three years from the 1st day of January next.

Resolved, by the General Assembly of the State of Tennessee, That the President and Directors of the Bank of the State of Tennessee, report to this General Assembly the amount of money made

by the Bank since the last session of the Legislature upon real transaction loans, and the amount of money (if any) due and to become due, when due and from whom due, both of which were read and adopted.

Mr. Anderson from the same, submitted the following:

Resolved, That Messrs. Polk and Bradford from the Standing Committee on Banks, in the Senate, be appointed a select committee to act jointly with such committee as may be appointed by the House of Representatives, to examine the vaults of the principal bank at Nashville, to count the funds on hand in said bank, and report thereon to this General Assembly.

Said resolution was, on motion of Mr. Anderson, ordered to lie on the table.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives are now ready to receive the Senate for the purpose of going into the several elections set apart for this day. And then he withdrew.

Whereupon, the Speaker and gentlemen of the Senate repaired to the Hall of the House of Representatives, and proceeded to the election of Attornies General for the 11th, 16th and 9th districts. And on collecting and counting the ballots on the 3rd ballotting, Samuel Frazier of Rhea county was duly elected Attorney General for the 11th district. On collecting and counting the ballots on the 4th balloting, Joel H. Dyer, of Gibson county, was duly elected Attorney General for the 16th Solicitorial district. And upon collecting and counting the ballots on the 5th ballotting, Edmund Dillahunty was duly elected Attorney General for the 9th Solicitorial district of this State. And thereupon the Speaker and gentlemen of the Senate returned to their own chamber.

A bill to repeal the law allowing tax fees to attornies, was taken up, on its third and last reading in both Houses.

Mr. Brabson offered an amendment thereto, providing that the act should not be so construed as to extend to fees allowed now by law to attornies in State cases.

Said amendment was received, and the clerk ordered to acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Frey returned with an amendment,

A bill to amend an act entitled an act for the relief of executors or administrators, passed December the 31st, 1829.

Said bill and amendmendment were, on motian of Mr. Field, referred to the Judiciary committee.

The Senate took up

A bill to amend the laws of the State on the subject of Public roads.

Mr. Gillespy moved to strike therefrom the last section thereof, which motion prevailed.

Said bill was further amended on motion of Mr. Anderson, by changing the caption thereof so as to read "A bill to repeal so much of the act of 1829, as exempts paper manufacturers, and their hands from working on public roads.

Said bill was then read as amended a third time and passed.

The Senate took up and referred to the committee on Finance, the Report of Thomas Crutcher, Esq. Treasurer of middle Tennessee.

Mr. Holman introduced

A bill to divorce Anderson Hodges from his wife Jane Hodges, which was read a first time and passed.

And then the Senate adjourned.

FRIDAY MORNING, OCTOBER 14th, 1831.

Mr. Speaker Douglass presented the report of the Common School Commissioners for Knox county, which was read and ordered to be transmitted to the House of Representatives.

Mr. Lytle presented the petition of Maria Harp, praying to be divorced from her husband Nathaniel Harp, and introduced a bill for that purpose, both of which were, on motion of Mr. Lytle, referred to the committee on divorces.

The Senate took up, on motion of Mr. Burford, "A resolution submitted on yesterday by Mr. Anderson from the committee on Banks, proposing to appoint a joint select committee for special purposes.

Said resolution was read and adopted.

Ordered, That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

The Senate took up, on motion of Mr. Bradford,

A bill to do away jury trials in the county courts.

Said bill was, on motion of Mr. Wyly, again laid upon the table.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign an enrolled resolution appointing Justices of the Peace for the counties of Lincoln, Henry and Montgomery; and an enrolled bill entitled an act to compensate James A. Whiteside for superintending the printing and publication of Haywood and Cobb's revisal.

Said enrolled bill and resolution were signed by the Speaker of

the Senate, and ordered to be transmitted to the office of the Secretary of State.

The House of Representatives non-concur with the Senate's resolution, appointing a select committee on Banks, to examine and count the money in the vaults of the bank of the State of Tennessee.

They concur in the Senate's resolution directory to the President and directors of the bank of the State of Tennessee.—In the Senate's resolution appointing Frederick W. Huling a Justice of the Peace for the county of Montgomery;—and in the Senate's resolution to meet them in their Hall at 11 o'clock A. M. on Tuesday next, for the purpose or electing an Attorney General for the 5th Solicitorial District.

The House of Representatives have adopted a resolution appointing Justices for the county of Franklin, in which they ask the concurrence of the Senate.

The Senate concurred in said resolution, and ordered the clerk to acquaint the House of Representatives therewith.

The House of Representatives concur with the amendment proposed by the Senate to

A bill to repeal the law allowing tax fees to attornies; and non-concur with the Senate's proposed amendment to

A bill concerning guardians. And then he withdrew.

The Senate receded from their proposed amendment to the last named bill in said message, and put the bill upon its passage.

And the question thereon being had, "Shall the bill pass?" it was determined in the affirmative—Ayes 17, Noes, 3.

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Andrews, Brabson, Burford, Davis, Field, Frey, Gillespy, Greene, Jetton, Lytle, M'Clellan, McIver, Murray, Polk, Wyly—17.

Those who voted in the negative are,

Mr. Bradford, Holman, Perkins—3.

And so said bill passed its third and last reading in both Houses, passed and ordered to be enrolled.

The Senate then took up the bill mentioned in said message, and to repeal the law allowing tax fees to attornies.

And the question thereon being had, "Shall the bill pass?" it was determined in the affirmative—Ayes 17, Noes 2.

The Ayes and Noes being demanded,

Those who voted in the affirmative are,

Mr. Speaker, Andrews, Brabson, Bradford, Burford, Davis, Field, Gillespy, Greene, Holman, Jetton, M'Clellan, M'Iver, Murray, Perkins, Polk, Wyly—17.

Those who voted in the negative are,

Mr. Frey, Lytle, 2.

And so said bill passed its third and last reading in both Houses, and was ordered to be enrolled.

A bill authorising the appointment of a jury to attend the next county court of Jackson county, was read the 2nd time and passed.

Mr. Perkins introduced

A bill for the relief of Nimrod Dodson, which was referred, on motion of Mr. Perkins, to the committee on school lands.

On motion of Mr. Wyly, the Senate again took up

A bill to do away jury trials in the county courts, and referred the same, on motion of Mr. Field, to the Judiciary committee.

And the Senate adjourned.

SATURDAY MORNING, OCTOBER, 15, 1831.

Mr. Greene presented the petition of William Smith, praying the passage of a law equalizing the tax on merchants, which was referred, on motion of Mr. Greene, to the committee on propositions and grievances.

Mr. Jetton presented the petition of the grand Jurors, of the circuit court of Rutherford county, asking the appointment of Justice of the Peace for James Read, a citizen of said county, and asked its reference to the committee on Captains' companies and Justices of the Peace.

Mr. Murray presented the petition of a number of citizens of Weakly county, asking the extension of the right of occupancy to several inhabitants of said county, which was referred, on motion of Mr. Murray, to the committee on land claims.

Mr. Polk presented the certificate of Jeremiah Cherry, Mary Guest and others, heirs at law of Jeremiah Cherry, Sen. deceased, late of the county of Maury, in behalf of George, a man of color, in said county, which was referred, on motion of Mr. Polk, to the committee on propositions and grievances.

Mr. M'Clellan, from the committee on divorces, to whom was referred the petition of Edward Lumpkins, praying to be divorced from his wife Nancy Lumpkins, reported that the committee have had the same under consideration, think it unreasonable, and that the prayer of the petitioner ought not to be granted.

Said report was concurred in by the Senate.

Mr. Polk, from the committee on enrolled bills, reported as correctly enrolled,

A resolution appointing F. W. Huling a Justice of the Peace for Montgomery county.

A resolution directory to the President and Directors of the Bank of the State of Tennessee.

Enrolled bills entitled

An act to authorise Jeremiah Johnson to build a wing mill dam on French Broad river.

An act to enclose the Milk Sick Hills in White county.

An act to repeal the law allowing tax fees to attornies.

An act concerning guardians.

An act to amend an act entitled an act to authorise a separate battalion muster in the 4th regiment of Tennessee militia, passed October 23, 1829. And

An act to amend an act entitled an act prescribing the mode of conveying criminals to the public Jail and Penitentiary House established in this State, and for their government therein, passed December 28, 1831.

Said enrolled acts and resolutions were signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives, to receive the signature of their Speaker.

Mr. Gillespy, from the committee on School lands, returned with various amendments,

A bill to repeal all laws authorising the Treasurer to sell or rent the lands laid off for the use of schools in this State, and for other purposes.

Said amendments were received, and the bill being further amended, on motion of Mr. Field, was read a second time and passed.

On motion of Mr. Polk, the Senate took up

A resolution from the House of Representatives relating to the devise of Mason Lee, deceased, late of South Carolina.

Said resolution was read and concurred in.

Ordered that the clerk acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign an enrolled bill entitled "An act to repeal so much of the act of 1829 in relation to public roads, as exempts paper manufacturers, and their hands, from working thereon.

Said enrolled bill was signed by the Speaker, and ordered to be deposited in the office of the Secretary of State.

The House of Representatives have adopted a resolution appointing Justices of the Peace for the counties of Bedford and Warren, in which they ask the concurrence of the Senate. And then he withdrew.

The Senate concurred with said resolution, and ordered the clerk to acquaint the House of Representatives therewith.

A bill to authorise the appointment of a Jury to attend the next county court of Jackson county. And

A bill to establish the Montgomery rangers, were severally read a third and last time in both Houses, passed and ordered to be enrolled.

Mr. Holman introduced

A bill to provide the manner in which costs in criminal cases shall be paid, and for other purposes.

Mr. Murray,

A bill to amend an act entitled an act to incorporate a medical society in the State of Tennessee, passed the 9th day of Janaury 1830. And

Mr. Polk,

A bill authorising the Governor of the State of Tennessee to appoint an agent to bring to a close the business of the late Mason Lee, of South Carolina—all of which were severally read a first time and passed.

The Senate took up on its third and last reading in both Houses,

"A bill requiring the entry taker of Bedford county to record certain entries—Mr. Bradford moved to strike from the bill the amendment made by the House of Representatives, requiring the county trustee of Bedford county, to pay the fees upon said entries out of the county revenue, and in lieu thereof to reinstate the part stricken out by the House of Representatives, which provided, that the entering fees should be paid by the treasurer of Middle Tennesse, out of the the revenue of the State. Said motion prevailed. Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A bill to alter the time of holding the county courts in the counties of Dyer and Obion, and for other other purposes, was on motion of Mr. Murray ordered to the table.

A bill to reduce the fees on marriage license, was referred on motion of Mr. Jetton to the committee on retrenchment.

A bill to extend the limits of the town of Jackson, in the county of Madison. And

A bill to incorporate the town of Denmark, in the county of Madison, were severally read a 2d time and passed.

And then the Senate adjourned until Monday morning 10 o'clock.

MONDAY MORNING, 17th OCTOBER, 1831.

Mr. Murray presented the petition of Minerva F. White, praying to be divorced from her husband Thomas J. White, which was referred on motion of Mr. Murray to the committee on divorces.

Mr. Greene presented the petition of John C. Haley, praying to

be authorized to clear obstructions to the navigation of Tennessee river, which was referred on motion of Mr. Greene to the committee on internal improvement.

Mr. Brabson presented the return of the clerk of the circuit court of Claiborne county, shewing the amount of tax paid by him to the treasurer of East Tennessee, which was referred on motion of Mr. Brabson, to the committee on Finance.

Mr. Gillespy presented the memorial of Joshua Jobe and others, citizens of Blount county, which was referred on motion of Mr. Gillespy to the committee on claims.

Mr. McClellan from the committee on divorces, reported

A bill to divorce Polly Farmer and others. Said bill was read a first time and passed.

Mr. Davis from the committee on Land claims, reported

A bill for the benefit of Sandford and Mitchell, which was read a first time and passed.

Mr. Murray from the select committee to whom was referred "A bill to indemnify such counties in this State as are deprived of a part of their county revenue by the act of Assembly of August 14, 1822, and the compact entered into between the commissioners appointed by the provisions of said act, reported that the committee have had the same under consideration, and are well satisfied of the great injustice operating upon the citizens of such counties, including the lands so exempted from taxation until the year 1850. According to the provisions of said compact, such counties are entirely deprived of all county tax on said lands, and consequently have to increase the taxes on other property and other lands in order to meet the usual and necessary expenses thereof, and to which every other county in the State are more or less subjected to, which in effect compels the citizens of the oppressed counties to pay higher taxes, than those of other counties, where none such exempted lands are located; therefore to remove the burthen thus imposed by said compact, the committee beg leave to propose the following amendment to the bill, strike therefrom the words "What the county tax on said land would have been," and insert thereof the words, "thirty-seven and a half cents for each hundred acres of land so exempted the quantity of such land in each county." And in that form the committee beg leave to recommend it passage.

Said report was concurred with, the amendment made, the bill read as amended a 2d time and passed.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign an enrolled resolution appointing justices of the peace for the county of Franklin, and an enrolled act for the ben-

efit of the Register of Maury county; the Speaker of the Senate signed said enrolled resolution and said enrolled act, and ordered the clerk to deposit them in the office of the Secretary of State. The House of Representatives have adopted a resolution appointing Mathew Johnson and Mathew D. Thomason, justices of the peace for Williamson county—said resolution was on motion of Mr. Jetton, ordered to the table. The House of Representatives have adopted a resolution that the Senate meet them on Tuesday the 18th inst. in their hall for the purpose of electing Treasurers for East Tennessee, and for the Western District, in which they ask your concurrence—Said resolution was concurred in by the Senate, and the clerk ordered to acquaint the House of Representatives therewith.

The House of Representatives nonconcur with the amendment proposed by the Senate to

"A bill requiring the entry taker of Bedford county to record certain entries." And then he withdrew. On motion of Mr. Bradford, said bill was ordered to the table.

Mr. Anderson withdrew for amendment

"A bill to provide for the appointment of a board of commissioners of arbitrament for the docision of controversies, arising under the treaties of 1817 and 1819, concerning Indian reservations, and for other purposes.

Mr. Polk from the committee of enrollments, reported as correctly enrolled,

"A bill to authorise the appointment of a jury to attend the next county court of Jackson county—Said enrolled act was signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives to receive the signature of their speaker.

Mr. Gillespy submitted the following,

Resolved, by the General Assembly of the State of Tennessee, That the committee on internal improvement be instructed to inquire into the expediency of making an appropriation out of the public funds, to pay hands for working on the public roads in the several counties in this State, and that said committee also inquire into the expediency of revising the road laws of this State.

Mr. McClellan the following,

Resolved, by the General Assembly of the State of Tennessee, That James Gregg, Michael Weaver, Henry Ketsmiller, Vincent Easley and Joshua Shipley, be and they are hereby appointed justices of the peace in and for the county of Sullivan.

Mr. Wyly the following,

Resolved, by the General Assembly of the State of Tennessee, That Jeremiah Bogart be, and he is hereby appointed a justice of the peace in and for the county of Washington,

Mr. Andrews, the following:

Resolved, by the General Assembly of the State of Tennessee, That Wilson H. M'Kissick and Samuel A. Wallace be, and they are hereby appointed, Justices of the Peace in and for the county of Henderson.

Mr. Gillespy, the following:

Whereas, many of the returns of the clerks of the county courts in the several counties in this state have been made, to each branch of this General Assembly, of the number of captains' companies, and the number of vacancies of Justices of the Peace therein;—and said returns have been made, to the standing committees on captains' companies and Justices of the Peace of each House respectively, in consequence whereof, said committees are unable to report satisfactorily thereon, for remedy whereof,

Resolved, by the General Assembly of the state of Tennessee, That the standing committee of each branch of this General Assembly on captains' companies and Justices of the Peace, be made a joint committee of both Houses. And the rule being suspended, said resolution was adopted.

Ordered that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Burford submitted the following,

Resolved, by the General Assembly of the State of Tennessee, That the President and Directors of the Bank of the State of Tennessee, furnish this General Assembly, with a statement of the real estate, belonging to the bank, where situated, from whom purchased and at what price; whether the same is or is not tenanted, and if tenanted by whom and for what time; Also what the same would likely bring in cash at this time, and what would be the probable difference between a sale for cash and a sale on credit, together with such other information as the Directory may think proper to give touching said property.

Mr. Gillespy, the following,

Resolved, That thirty copies of the articles of Impeachment against Joshua Haskell, Judge of the 8th Judicial circuit of this State, his answer and the replication thereto, be printed for the use of the Court of Impeachment, the managers of the prosecution and the defendant and his counsel. And the rule requiring resolutions to lie one day on the table, being suspended, said resolution was adopted.

Mr. Burford, the following:

Resolved, That a joint select committee be appointed to take into consideration the propriety of recommending to the people of this State the propriety of voting for or against a convention at the next election; and that said committee report to a joint meeting of both branches of this General Assembly, by resolution or otherwise. And

Mr. M'Clellan, the following:

Resolved, That the committee on public printing enquire into the propriety of printing (and binding the public acts) of this General Assembly separate and apart from the local and private laws; and only two copies of the latter be printed for each county, to be deposited—one in each of the county and circuit court clerk's offices in this State, and that they report by bill or otherwise.

A bill for the benefit of Robert Cowan, was referred, on motion of Mr. Gillespy, to the committee on claims.

A bill to authorise the Treasurer of East Tennessee to pay certain monies.

A bill to authorise the court of Pleas and Quarter sessions of Tipton county, to appropriate any surplus money in the county Treasury, for the purpose of building a court house in the town of Covington.

A bill to establish a 3rd battallion in the 82nd regiment of the militia of this State. And

A bill for the relief of the widow and heirs of James Blair deceased, were severally read a second time and passed.

Mr. Murray withdrew for, and returned with, an amendment,

A bill for the benefit of Hugh M'Intire.

Said amendment was received, the bill read as amended a 2nd time and passed.

Received from the House of Representatives,

A bill to compensate Jurors in the county of Sullivan.

A bill for the benefit of John Sharp.

A bill for the relief of the heirs of James Taylor, late of South Carolina.

A bill to establish a town in the county of Greene.

A bill appointing a commissioner to receive Justices' papers in Knox county.

A bill to appoint commissioner's upon Hart's Turnpike road, in White and Bledsoe counties.

A bill to improve the present circuit court system in this State.

A bill for the relief of the creditors of Anthony Gilliam, deceased.

A bill to amend an act entitled an act to extend the Turnpike road, granted to William Reynolds, passed November the 25th, 1829, and for other purposes.

A bill to amend an act entitled an act to dispose of certain lands in Hawkins county, commonly called Simm's Big Survey.

A bill for the benefit of Nathaniel B. Butler.

A bill for the benefit of Henry Liggett.

A bill to incorporate the Franklin Rail-road Company.

A bill to improve the navigation of Obeds river in Overton and Fentress counties, and for other purposes. And

A bill to repeal an act passed October the 8th, 1825, entitled an

act for the benefit of Jonathan Brown, of Greene county, all of which were severally read a first time and passed.

Mr. Wyly introduced

A bill to establish a precinct election in Greene county.

Mr. Gillespy,

A bill to amend an act entitled an act for the benefit of common schools, passed January 1st, 1830.

A bill to appropriate one half of the State tax to county purposes, upon a basis of free white population.

A bill for the relief of Sally Martin. And

A bi for the benefit of Daniel D. Foute, of Blount county.

Mr. M'Iver,

A bill to incorporate the town of Randolph, in the county of Tipton, in this State.

Mr. Bradford,

A bill to increase the revenue of the different counties in this State. And

Mr. M'Clellan

A bill for the relief of the citizens of Kingsport in the county of Sullivan, all of which were severally read a first time and passed.

On motion of Mr. Jetton, the Senate took up

A bill for the relief of Peter Chilcut and Augustus White, which was read a first time and passed.

On motion of Mr. Davis,

Ordered that Mr. Polk be added to the committee on land claims.

On motion of Mr. Greene, the Senate took up and read,

A bill to vest the Board of Internal Improvement with the power to receive and apply the money set apart for Internal Improvement, by the General Assembly of this State, in 1829.

Ordered that said bill be referred to the committee on Internal Improvement.

A bill to incorporate the town of Lagrange in the county of Fayette, was read a third and last time in both Houses, passed and ordered to be enrolled.

A bill to amend an act entitled an act to authorise John Brown to open and keep up a turnpike road, was read a third time and passed.

A bill to compensate Frederic S. Heiskell for extra printing and binding done on Haywood and Cobb's Digest, was, on motion of Mr. Jetton, ordered to lie on the table.

And then the Senate adjourned.

TUESDAY MORNING, OCTOBER 18, 1831.

Mr Polk presented the petition of sundry citizens of this State,

praying the passage of an act and making distinct the offices of Sheriffs and tax collectors, which was referred, on motion of Mr. Polk, to the Judiciary committee.

Mr. Murray presented the petition of sundry citizens of Haywood county, within the bounds of Captain William Parker's company, praying the appointment of Justice of the Peace Moore; and the petition of a number of citizens of Greene county, recommending Valentine Sevier, as a suitable person for the office of Justice of the Peace.

Said petitions were, on motion of Mr. Murray, referred to the committee on captains' companies and Justices of the Peace.

Mr. Andrews presented the return of the clerk of the circuit court, and the return of the clerk of the county court of Henderson county, shewing the amount of tax collected by them on law-suits, deeds, &c. for the years 1829 and 1830, which were referred, on motion of Mr. Andrews, to the committee on Finance.

Mr. Burford, from the select committee to whom was referred "A bill to equalize the tax on merchants and auctioneers, and more effectually to secure the revenue from merchants and auctioneers, reported an amendment thereto in lieu of the whole bill.

Said amendment was received, the bill as amended was read, and the question thereon being had, "Shall the bill pass?" it was determined in the affirmative—Ayes 15—Noes 4.

The Ayes and Noes being demanded,

Those who voted in the affirmative are,

Mr. Anderson, Andrews, Brabson, Burford, Davis, Frey, Gillespy, Greene, Holman, Jetton, M'Clellan, M'Iver, Murray, Perkins, Wyly—15.

Those who voted in the negative are,

Mr. Speaker, Bradford, Lytle, Polk—4.

And so said bill passed its 2nd reading.

A resolution submitted on yesterday by Mr. Gillespy, instructing the committee on internal improvement, to inquire into the expediency of making an appropriation out of the public funds for certain purposes, and into the expediency of revising the road laws of this State.

By Mr. M'Clellan,

Appointing Justices of the Peace for the county of Sullivan.

By Mr. Wyly,

Appointing a Justice of the peace for the county of Washington.

By Mr. Andrews,

Appointing Justices of the Peace for the county of Henderson.

By Mr. Burford,

Directory to the President and directors of the Bank of the State of Tennessee. And

By Mr. M'Clellan,

Directory to the committee on public printing, were taken up, severally read and adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A resolution submitted on yesterday by Mr. Burford, in relation to the expediency of voting for or against a convention at the next general elections, was taken up, read, and on motion of r. Anderson, ordered to lie on the table.

Mr. Anderson presented the memorial and remonstrance of the President and Directors of the Nashville Bridge Company, which was read at the clerk's table, and ordered, on motion of Mr. Anderson, to lie on the table.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives are now ready to receive the Senate for the purpose of going into the several elections set apart for this day. And then he withdrew.

Whereupon, the Speaker and gentlemen, members of the Senate repaired to the Hall of the House of Representatives, and proceeded to the election of Treasurers for the Western Department of this State, and for East Tennessee, when, upon collecting and counting the ballots, upon the 1st balloting, James Caruthers was duly elected Treasurer for the Western Department of Tennessee, and Miller Francis was duly elected Treasurer for East Tennessee. The General Assembly next proceeded to the election of a Solicitor General for the 5th district, when, on collecting and counting the ballots on the 2nd balloting, it appeared by the report of the tellers, that Wm. B. Campbell, of Smith county, was duly and constitutionally elected attorney general for the said 5th Solicitorial District.

And thereupon the Speaker and Gentlemen of the Senate, on motion of Mr. Bradford, returned to their own chamber.

A message from the House of Representatives by Mr. Campbell their clerk.

Mr. SPEAKER,

The House of Representatives non-concur in the Senate's resolution, making the committee of the two Houses, on captains' companies and Justices of the Peace, a joint committee. The Speaker of the House of Representatives did this day sign an enrolled resolution appointing Justices of the Peace for the counties of Bedford and Warren—An enrolled resolution relating to the devise of Mason Lee, late of South Carolina, to the State of Tennessee—And an enrolled bill entitled an act to incorporate Trenton Female Academy in the county of Gibson—which I am directed to deliver to the Senate to receive the signature of

their Speaker. The Speaker of the Senate signed said enrolled resolutions and enrolled bill, and ordered them to be deposited in the office of the Secretary of State. The House of Representatives have adopted a resolution appointing Jacob Voorhis, Wm. B. Young and John B. Brown, Justices of the Peace for the county of Dickson—David S. Hobbs and Cornelius D. White, Justices of the Peace for Hickman county—and Bird Hardy and Joseph Bowers, Justices of the Peace for Montgomery county. And then he withdrew.

The Senate concurred in said resolution, and ordered the clerk to acquaint the House of Representatives therewith.

On motion of Mr. Gillespy,

Ordered, That an insisting message be sent to the House of Representatives in relation to the resolution making the committees of the two Houses on captains' companies and Justices of the Peace.

Mr. Burford submitted the following:

Resolved, That the committee appointed by the House of Representatives, and the committee appointed by the Senate, on so much of the Governor's message as relates to the Kentucky line, act jointly upon that subject. And the rule being suspended, said resolution was adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

On motion of Mr. Jetton, the Senate took up

A bill to compensate Frederic S. Heiskell for extra printing and binding done on Haywood and Cobb's Digest.

Mr. Davis moved to strike therefrom the words "twelve hundred dollars." And the question thereon being had, it was determined in the affirmative—ayes 12—noes 6.

The ayes and noes being demanded by the constitutional number,

Those who voted in the affirmative are,

Mr. Speaker, Andrews, Bradford, Burford, Davis, Field, Frey, Holman, Jetton, M'Iver, Murray, Perkins—12.

Those who voted in the negative are,

Mr. Anderson, Brabson, Gillespy, Greene, Lytle, M'Clellan, Wyly—7.

And so said motion prevailed.

Mr. Davis then moved to insert in lieu, the words "six hundred dollars."

Mr. Jetton moved to insert the words "one thousand dollars," which having precedence, the question was thereupon put, will the Senate fill the blank by inserting the words "One thousand dollars" and determined in the affirmative. Ayes 13—Noes 7.

The Ayes and Noes being demanded constitutionally by Mr. Davis.

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Brabson, Burford, Gillespy, Greene, Holman, Jetton, Lytle, McClellan, Murray, Polk, Wyly—13.

Those who voted in the negative are,

Mr. Andrews, Bradford, Davis, Field, Frey, M'Iver, and Perkins,—7.

And so said motion prevailed, and the amendment was made and thereupon the bill was read as amended a 2d time and passed.

Received from the House of Representatives.

A bill to close the Bank and carry into effect the common school system, which was read a first time and passed.

A resolution heretofore submitted by Mr. Wyly, relating to the United States' Bank, was on motion of Mr. Wyly taken up and read, and after undergoing much discussion was on motion of Mr. Wyly, ordered to lie on the table until to-morrow.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign an enrolled resolution appointing justices of the peace for the counties of Dickson, Hickman and Montgomery. And then he withdrew.

Said resolution was signed by the speaker of the Senate and ordered to be deposited in the office of the Secretary of State.

And then the Senate adjourned.

WEDNESDAY OCTOBER 19, 1831.

Mr. McClellan presented a memorial from sundry citizens of Carter county, asking the appropriation of a sum of money to aid the completion of a road leading through said county to intersect a road made by the State of North Carolina, and a memorial praying the appropriation of money to the improvement of a road from a certain point on Doe River to Paperville in Sullivan county, which were referred, on motion of Mr. M'Clellan, to the committee on internal improvement.

Mr. Wyly presented the petition of Jacob Lowdermilk, praying to be divorced from his wife Dorcas Lowdermilk, which was referred, on motion of Mr. Wyly, to the committee on divorces.

Mr. Gillespy presented the petition of Samuel Wear, asking relief for lands lost in Hiwassee District, which was referred, on motion of Mr. Gillespy, to the committee on claims.

Mr. Jetton presented the return of an election held for Justice of the Peace in Captain Wm, B. Morris' company of militia, in the 53rd regiment, which was referred, on motion of Mr. Jetton, to

the committee on captains' companies and Justices of the Peace

Mr. M'Iver presented the petition of Anthony Walk, of Fayette county, asking permission to hawk and peddle without license; and the petition of Jacob Tipton, John T. Brown, George Robinson and Nathan Hartsfield, securities of Andrew Greer, clerk of the court of Pleas and Quarter sessions for Tipton county, and ask their reference to the committee on propositions and grievances.

Mr. Bradford presented the petition of sundry citizens of Bedford county, praying an amendment of the patrol law, which was referred to the committee on propositions and grievances.

Mr. Murray from the committee on claims to whom was referred the petition of George W. Shackelford, and the petition of Nathan Jobe, reported that the committee have had the same under consideration, consider them unreasonable and think the prayer of the petitioners ought not to be granted—said report was concurred in by the Senate.

Mr. Andrews from the committee on Internal Improvement in the Western District to whom was referred, "A bill to appropriate certain money to the improving the navigation of Big Sandy river," reported that the committee have had the same under consideration, believe its provisions reasonable and recommend its passage—said report was concurred in, the bill read a 2d time and passed.

A message from the House of Representatives by Mr. Campbell their Clerk.

MR. SPEAKER,

The House of Representatives again non concur with your resolution proposing to make the committees of the two houses on captains companies and justices of the peace a joint committee. They nonconcur with your resolution directory to the committee on internal improvement. The House of Representatives concur in your resolution appointing James Gregg, Michael Weaver, Henry Ketsmiller, Vincent Easley and Joshua Shipley, justices of the peace for Sullivan county—and in your resolution requiring the committees of the two houses, on the Kentucky line to act jointly on that subject. And also in your resolution directory to the President and Directors of the Bank of the State of Tennessee.

Mr. Anderson from the committee on Indian reservations, to whom was referred, A bill to provide for the appointing of a board of commissioners of arbitriment for the decision of controversies arising under the treaties of 1817 and 1819 concerning Indian reservations, and for other purposes, reported an amendment in lieu of the whole bill.

Mr. Gillespy asked leave to withdraw said bill and amendment which was granted.

A bill to compensate Frederic S. Heiskell, for extra printing and binding done on Haywood and Cobb's digest.

A bill for the benefit of Wm. M'Coy.

A bill to authorise the Sheriff's of Lincoln and Giles counties to appoint three deputies.

A bill to amend the stray laws.

A bill to extend the limits of the town of Jackson in the county of Madison. And

A bill to incorporate the town of Denmark in the county of Madison, were severally read a third and last time in both houses, passed and ordered to be enrolled.

A bill for the benefit of the heirs of James Peak, deceased, of White county, was read, and ordered to the table.

Mr. Gillespy submitted the following,

Resolved, by the General Assembly of the State of Tennessee, That Messrs. Bradford and Polk from the Standing commttee on Banks, be appointed a select committee to act jointly with such committee as may be appointed by the House of Representatives to examine the state and condition of the principal Bank at Nashville, to report the amount of funds on hand in said bank and report thereon to this General Assembly, and to make such other examination, and report as they may deem right and proper.

Mr. Bradford moved to add Mr. Gillespy to the committee proposed to be raised by said resolution, which motion prevailed, and the rule requiring resolutions to lie on the table one day being suspended, said resolution was adopted. Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Perkins submitted the following,

Resolved, by the General Assembly of the State of Tennessee, That Samuel Corn and John Staples, be and they are hereby appointed justices of the peace for the county of Franklin.

On motion of Mr. Wyly, the Senate resolved themselves into a committee of the whole, Mr. Frey in the chair, on the resolutions submitted heretofore by Mr. Wyly and Mr. Jetton, in relation to rechartering the United States Bank, and after much discussion the committee rose reported progress and obtained leave to sit again on tomorrow.

Mr. Polk from the committee on enrolled Bills, reported as correctly enrolled,

A bill to compensate Frederic S. Heiskell for extra printing and binding done on Haywood and Cobb's digest—Said enrolled bill was signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

Mr. Gillespy introduced

A bill prescribing certain duties to the clerks of the several

courts in this State, which was withdrawn for amendment by Mr. Greene.

Mr. Gillespy introduced

A bill to appropriate the taxes arising from Shows to county purposes.

Mr. Holman,

A bill to authorize a pecinct election to be held in the county of Fentress.

Mr. Murray,

A bill to repeal all laws and parts of laws in this State, making turf racing lawful. And

Mr. Burford

A bill to prohibit the selling of spiritous in a less quantity than one quart, all of which were severally read a first time and passed.

Mr. Brabson introduced

A bill for the relief of the clerk of the circuit court of Claiborne county, and for other purposes—said bill was read and withdrawn for amendment by Mr. Wyly.

The Senate took up on a third and last reading in both houses,

A bill authorizing imprisonment for misdemeanors in certain cases, and proposed amending the same on motion of Mr. Burford, by inserting immediately after the word prosecution in the 2d section the following "And the defendant shall have given security for fine and cost."

Ordered that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A bill for the benfiet of Carrick W. Nelson of Carter county.—And

A Bill for the benefit of the people living on Cumberland mountain, in Warren county, were severally read a second time and passed.

A bill for the benefit of the widow and heirs of James Blair, deceased, was taken up and read. Mr. Anderson moved to strike from said bill the preamble thereof, which motion prevailed, the bill was then read as amended the third time and passed.

A bill for the relief of Edmund Bean, a citizen of Rhea county, was on motion of Mr. Greene referred to the committee on claims.

A bill to open and keep in repair the ford road in the counties of Hawkins and Sullivan, was on motion of Mr. Anderson referred to the committee on Internal Improvement.

THURSDAY MORNING, 20th OCTOBER, 1831.

Mr. Brabson presented the petition of sundry citizens of Grain-

ger county asking that the ford road on the North fork of Holston, in the counties of Hawkins and Sullivan, be opened and kept open, which was referred on motion of Mr. Brabson to the committee on internal improvement.

Mr. Davis presented the petition of Thomas Miles for a duplicate warrant, accompanied by a plat and certificate made out by the Surveyor of Maury county, both of which were referred on motion of Mr. Davis to the committee on land claims.

Mr. Bradford presented articles of instruction signed by four hundred and fifty three citizens of Bedford county, instructing the Senators and Representatives from that county to vote for a resolution rechartering the United States' Bank with certain modifications, which were ordered to lie on the table.

Mr. Fields from the committee on captain's companies and justices of the peace, to whom was referred sundry returns from Clerks, shewing the number of militia companies, and justices of the peace in their respective counties, made the following report, (to wit:)

That the county of Claiborne is entitled to five magistrates more than are now commissioned,

The county of Knox to 5,
The county of Roane 5
The county of Carroll 1
The county of Sullivan 6, including the five that are now in nomination before the present General Assembly.

Mr. Greene moved a nonconcurrence with that part of said report relating to Roane county, which motion prevailed. Mr. Gillespy then moved to lay the report upon the table, which motion also prevailed.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives concur in the Senate's resolution to appoint a sub committee on Banks, and have appointed Messrs. Boddie, James Gray, Maury, Vernon, Easley and Dickinson to be of the said committee on their part. The House of Representatives concur with the amendment proposed by the Senate to "A bill authorizing imprisonment for misdemeanors in certain cases," said bill was withdrawn for further amendment and examination by Mr. Wyly. The House of Representatives have adopted a Resolution appointing Justices of the Peace for the counties of Hickman and Bedford, a resolution appointing justices of the peace for the county of Fentress, and a resolution appointing justices of the peace for the county of Williamson, in which they ask the concurrence of the Senate.

The Senate concurred in said resolutions.

The House of Representatives have adopted a resolution ap-

pointing a joint select committee to divide this State into Congressional districts, to contain as nearly as may be fifty thousand inhabitants, including three-fifths of all slaves, agreeably to the census of 1830—they have also resolved that said committee divide the State into the constitutional number of Electoral districts, to elect electors to vote for President and Vice President of the United States, in which they ask the concurrence of the Senate.

And then he withdrew.

Mr. Gillespy moved a nonconcurrence with that part of the Resolution proposing to appoint a committee to divide the State into Congressional districts, which was determined in the affirmative; Ayes 15—Noes 4.

The Ayes and Noes being demanded constitutionally by Mr. Gillespy,

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Andrews, Brabson, Burford, Davis, Field, Frey, Gillespy, Greene, Holman, Jetton, Lytle, M'Iver, Polk—15.

Those who voted in the negative are,

Mr. Bradford, M'Clellan, Murray, Wyly—4.

And so said first part of said message and resolution was non concurred in.

Mr. Burford then moved a non-concurrence with the balance of said resolution. And the question thereon being had, "Will the Senate non-concur?" it was determined in the affirmative—ayes 15—noes 4.

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Andrews, Brabson, Burford, Davis' Field, Frey, Gillespy, Greene, Holman, Jetton, Lytle, M'Iver, Polk—15.

Those who voted in the negative are,

Mr. Bradford, M'Clellan, Murray, Wyly—4.

And so said motion prevailed.

Ordered that the clerk acquaint the House of Representatives therewith.

Mr. Polk submitted the following:

Whereas, many difficulties are likely to ensue in consequence of the resignation of Gideon J. Pillow, late pro. tem. solicitor for the 9th district.

And whereas it is the opinion of the Judge presiding in that circuit, that Edmond Dillahunty the present incumbent is not authorised to act as the Representative of the State for the aforesaid district, under his late appointment, until the end of the present session of the General Assembly, for the purpose therefore of relieving the State from all difficulties on that subject.

Resolved, by the General Assembly of the State of Tennessee, That

it is the opinion of the General Assembly, that Edmond Dillahunty Esq. became the legally authorised attorney general, to prosecute for and on behalf of the State, in the 9th district, from the date of his commission.

The rule requiring resolutions to lie one day on the table being suspended, said resolution was, on motion of Mr. Anderson, ordered to lie on the table, until the 1st day of March next.

Mr. Murray from the committee on claims, reported favorable on a bill for the relief of Wilson Sanderlin and others, which bill was read a 2nd time and passed.

Mr. Murray from the same, reported unfavorably upon a bill for the benefit of Robert Cowan.

Said bill was, on motion of Mr. Gillespy, ordered to lie on the table.

Mr. Greene returned with an amendment, which was received,

A bill prescribing certain duties to clerks of the several courts in this State.

Said bill was read a first time and passed.

Mr. Wyly returned with an amendment,

A bill for the relief of the clerk of the circuit court of Claiborne county, and for other purposes.

Said amendment was received, the bill read a first time and passed.

Mr. Holman introduced

A bill to divorce Elizabeth Walden from her husband John Walden.

Mr. Gillespy,

A bill to authorise the Register of the Hiwassee District to issue grants in certain cases.

Mr. Jetton,

A bill to encourage Internal Improvement. And

Mr. Lytle,

A bill to compel guardians to give new securities in certain cases.

Said bills were severally read a first time and passed.

Received from the House of Representatives,

A bill making compensation to certain enterers and grantees for their improvements between the two Kentucky lines.

Said bill was read a first time and passed.

A bill for the benefit of Peter Chilcut and A. H. White, was read a 2nd time and passed.

Mr. Gillespy withdrew for amendment,

A bill providing for the entry of the forfeited lands in the Hiwassee District.

A bill for the benefit of Jesse Savage and others, was, on motion of Mr. Murray, ordered to the table.

Mr. Polk submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That James M. Baker be, and he is hereby appointed, a Justice of the Peace for the county of Maury.

Mr. Greene, from the committee on forfeited lands in the Hiwassee District, reported favorable on

A bill for the relief of Elizabeth Casey, made an amendment thereto, and the question thereon being had, "Shall the bill pass?" it was determined in the affirmative—ayes 14—noes 5.

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Andrews, Brabson, Frey, Gillespy, Greene, Holman, Jetton, Lytle, M'Clellan, M'Iver, Polk, Wyly—14.

Those who voted in the negative are,

Mr. Bradford, Burford, Davis, Field, Murray—5.

And so said bill passed its second reading.

Mr. Speaker Douglass having obtained leave of absence until Monday next, Mr. Gillespy moved that Mr. Greene take the chair, as Speaker, pro. tem. during his absence.

Said motion prevailed.

FRIDAY MORNING, OCTOBER, 21, 1831.

Mr. Polk presented the petition of Agnes Rodgers, praying to be divorced from her husband, Wm. Rodgers, which was referred to the committee on divorces.

Mr. Wyly presented the petition of Dinah Deathridge, praying to be divorced from her husband, Russel Deathridge, which was referred to the committee on divorces.

Mr. Bradford presented the memorial of sundry citizens residing in that portion of country in which it is contemplated by a bill, to establish a new county to be called De Kalb, asking that a new county may be centered at the Stone Fort in Bedford county, and asked that said memorial accompany said bill in its transmission to the House of Representatives.

Mr. Polk's resolution of yesterday, appointing James M. Baker a Justice of the Peace for Maury county, was taken up, read and adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Bradford submitted the following:

Whereas, according to the constitution of the United States, the apportionment of Representatives among the several States, in Congress, is required to be made every ten years. And whereas, according to the late census, it is probable that this State will

be entitled, either to twelve or thirteen members in the next Congress—Therefore, in order to avoid the necessity of a called session of the General Assembly, to arrange districts for that purpose. Be it resolved that the committee heretofore appointed to take into consideration that subject, be instructed to report a bill laying off the State into districts for the purpose of electing thirteen members, provided Congress at its next session, fixes the ratio so as to entitle this State to that number of Representatives, or for the election of twelve members, provided Congress fixes the ratio so as to entitle this State to that number of Representatives, and that said bill shall require the Governor by proclamation to notify the sheriffs of the different counties in this State, six months previous thereto, to hold elections for members, in the districts corresponding with the number of Representatives allotted to this State.

And Mr. Wyly, the following:

Resolved, by the General Assembly of the State of Tennessee, That Ebenezer L. Matthews and John Humphries be, and they are hereby appointed, Justices of the Peace for the county of Washington.

Received from the House of Representatives,

A bill to establish the county of De Kalb, in this State.

Mr. Bradford moved to lay said bill upon the table until Tuesday next.

Said motion was overruled, the bill read a first time and passed.

Mr. Anderson withdrew for amendment,

A bill supplemental to an act passed in 1829, authorising Thomas Butler to open a turnpike road. And

A bill to enable the citizens of Dickson county to build a court house in that county, and for other purposes.

Received from the House of Representatives,

A bill to provide for the taking of the enumeration of the free male inhabitants of this State.

A bill for the relief of George W. Churchwell.

A bill to amend an act entitled an act to authorise Allen M'Donald to open a turnpike road.

A bill to prevent the destruction of fish by poison.

A bill to divorce Evelina Ball, and others therein named.

A bill to amend an act entitled an act to incorporate the Nashville and Franklin turnpike company.

A bill for the benefit of the quorum court of Williamson county.

A bill to incorporate the Tennessee manufacturing company.

A bill to divorce Joab Brooks from his wife Sally.

A bill to change the time of holding regimental drill musters.

A bill to release Hale's turnpike from the payment of a State tax.

A bill explanatory of an act entitled an act authorizing the entering and obtaining grants thereon for any quantity of land under five thousand acres, and for other purposes.

A bill to incorporate the town Cornersville, in the county of Giles.

A bill to encourage the manufacture of iron.

A bill for the relief of Albert Thomas of Weakly county.

A bill to authorize Cain Broyles to open and establish a turnpike road across Paint mountain. And

A bill for the relief of Joseph Brown—said bills were severally read a first time and passed.

A message from the House of Representatives by Mr. Campbell their clerk.

MR SPEAKER,

The Speaker of the House of Representatives did this day sign an enrolled resolution appointing Justices of the Peace for the counties of Fentress, Williamson, Bedford and Hickman.

And then he withdrew.

The Speaker of the Senate signed said enrolled resolution, and ordered it to be deposited in the office of the Secretary of State.

Mr. McIver introduced

A bill to amend an act entitled an act to authorize a lottery for the benefit of the Covington Academy. And

A bill for the relief of the Covington Sentinels. And

Mr. Bradford

A bill to prevent members of the General Assembly from being elected to any office created by the Legislature of which they are members, during the period for which they were elected. Said bills were severally read a first time and passed.

Mr. Murray withdrew for amendment,

A bill to amend an act entitled an act to incorporate a medical society in the State of Tennessee, passed the 9th day of January, 1830.

A bill to incorporate the town of Randolph in the county of Tipton in this State.

A bill to divorce Anderson Hodges from his wife Jane Hodges. And

A bill to divorce Jane Breeding from her husband Lindsey O. Breeding—were severally read a 2d time and passed.

Mr. Murray returned with an amendment,

A bill for the benefit of Sandford & Mitchell, said amendment was received, the bill read a second time and passed.

Mr. Murray also returned with an amendment,

A bill for the relief of the citizens of Kingsport, in Sullivan

county. Said amendment was rejected, the bill read a second time and passed.

A bill concerning justices of the peace. And

A bill to prevent Sheriffs and other officers holding elections from opening the tickets of voters, were read and on motion ordered to lie on the table.

Mr. Anderson returned with an amendment,

A bill to enable the citizens of Dickson county to build a court house, and for other purposes—said Bill and amendment were on motion of Mr. Davis ordered to lie on the table.

And the Senate adjourned.

SATURDAY MORNING, OCTOBER 22nd, 1831.

Mr. Greene presented the petition of John Duncan, praying to be divorced from his wife Elizabeth, which was referred, on motion of Mr. Greene, to the committee on divorces.

Mr. Greene also presented the petition of John Grayson, asking the privilege to hawk and peddle without paying a tax therefor, which was referred, on motion of Mr. Greene, to the committee on propositions and grievances.

Mr. Anderson from the committee on Indian reservations, to whom was referred a bill for the relief of Miller Isbel and others therein named—a bill for the relief of Allen D. Gentry—and, a bill for the relief of William Kanard—reported that the committee had had the same under consideration, think the provisions contained in said bills reasonable, and had instructed him to recommend their passage.

Said report and bills were, on motion of Mr. Anderson, ordered to lie on the table.

Mr. Wyly from the committee on retrenchment, to whom was referred a bill to reduce the fees on marriage license, reported that the committee have had the same under consideration, and recommend the rejection of the 2nd section of said bill, and in that shape the passage of the bill.

Said report was concurred in so far as relates to the said 2nd section, and the amendment made.

Mr. Davis moved to strike from the said bill the words "twenty-five cents," which motion prevailed—ayes 11—noes 4.

The ayes and noes being constitutionally demanded by Mr. Gillespy,

Those who voted in the affirmative are,

Mr. Speaker, Greene, Brabson, Bradford, Holman, Lytle, M'Clellan, M'Iver, Murray, Polk, Davis, Field---11.

Those who voted in the negative are,
Mr. Anderson, Andrews, Gillespy, Wyly—4.
And so said motion prevailed.

Mr. Davis then moved to fill the blank occasioned by said striking out, by inserting the words "fifty cents," and thereupon the question was had, and determined in the affirmative—ayes 8—noes 7.

The ayes and noes being demanded,
Those who voted in the affirmative are,
Mr. Speaker, Greene, Brabson, Bradford, Davis, Holman, M'Clellan M'Iver, Murray—8.
Those who voted in the negative are,
Mr. Anderson, Andrews, Field, Gillespy, Lytle, Polk, Wyly—7.
And so said motion prevailed, and the bill read as amended a 2nd time and passed.

A resolution submitted on yesterday by Mr. Wyly, appointing Justices of the Peace for Washington county, was taken up, read and adopted.

The preamble and resolution submitted on yesterday by Mr. Bradford, directory to the select committee appointed heretofore to enquire into the expediency of laying off the congressional districts in this State, agreeably to the census of 1830, was taken up, read, and, on motion of Mr. Bradford, ordered to the table.

Mr. Anderson returned with an amendment in lieu of the whole,

A bill supplemental to an act passed November 1819, authorizing Thomas Butler and others to open a turnpike road.

Said amendment was received, the bill read a first time and passed.

A bill authorising the Governor to appoint an agent to bring to a close the business of the late Mason Lee, of South Carolina, was read a 2nd time and passed.

Mr. Murray introduced

A bill to divorce Robert Baker from his wife Charlotte, and for other purposes. And

Mr. Andrews,

A bill to change the time of holding the court of Pleas and Quarter sessions for Henderson county.

Said bills were severally read a first time and passed.

Mr. Gillespy returned with Mr. Anderson's amendment,

A bill to appoint a Board of Commissioners of arbitrament, for the decision of controversies arising under the treaties of 1817 and 1819, concerning Indian reservations, and for other purposes.

Said bill and amendment were, on motion of Mr. Brabson, ordered to lie on the table.

Received from the House of Representatives,

A bill making an appropriation for the completion of the penitentiary established in this State.

A bill to authorise Timothy Dotson to build a bridge ocross Stone's river, at or near the ford at Clover Bottom.

A bill to establish a new militia company in the county of Wilson, and for other purposes.

A bill to tax the retailers of spiritous liquors, and to appropriate the money arising therefrom to common schools.

A bill to exempt certain citizens of Humphreys county from being subject to toll at Sandy Bridge. And

A bill for the relief of Wm. Pope, all of which were severally read a first time and passed.

The Senate then adjourned until Monday morning, 10 o'clock.

MONDAY MORNING, OCTOBER 24, 1831.

Mr. M'Clellan presented the report and memorial of John O'Brien, Caleb Smith, James J. Tipton, and Wm. Gott, commissioners to superintend the building of bridges across Doe river at certain fords, asking a further appropriation of one hundred and twenty dollars, which was referred, on motion of Mr. M'Clellan, to the committee on Internal Improvement.

Mr. Wyly presented a letter from Joshua Boreing, protesting against the petition of Jacob Lowdermilk for a divorce from his wife Dorcas, and requested that the same might accompany said petition.

Mr. Wyly also presented the return of the clerk of the county court of Washington county, shewing the number of captains' companies and Justices of the Peace in said county, referred, on motion of Mr. Wyly, to the committee on captains companies; and also the returns of said clerk, shewing the amount of taxable property in said county, for the years 1829 and 1830. Mr. Wyly remarked that said returns were found among the papers of the Hon. John Tipton since his decease, and moved that the same be referred to the committee on Finance, which reference was made.

Mr. Wyly also presented the memorial of sundry citizens of Washington and Greene counties, asking the passage of a law allowing Justices of the Peace compensation for their services; which was referred, on motion of Mr. Wyly, to the Judiciary committee.

Mr. Brabson presented the petition of Noah Miller, praying to be divorced from his wife Alcy Miller; which was referred, on motion of Mr. Brabson, to the committee on divorces.

Mr. Lytle presented the petition of Julia Jones, of Davidson

county, praying to be divorced from her husband, Demsey Jones.

Said petition was referred, on motion of Mr. Lytle, to the committee on divorces.

Mr. Andrews presented the memorial of William Eaton, asking permission to hawk and peddle south and west of the congressional reservation line, without obtaining license therefor.

Said memorial was referred, on motion of Mr. Andrews, to the committee on claims.

A bill authorising the Governor of the State of Tennessee to appoint an agent to bring to a close the business of the late Mason Lee, of South Carolina, and for other purposes, was read a third time and passed.

Mr. Wyly returned without amendment,

A bill authorising imprisonment for misdemeanors in certain cases.

Said bill was, on motion of Mr. Field, ordered to the table.

A bill concerning Justices of the Peace, was taken up, on its 2nd reading. And the question thereon being had, "shall the bill pass?" it was determined in the negative—ayes 7—noes 9

The ayes and noes being demanded constitutionally by Mr. Gillespy,

Those who voted in the affirmative are,

Mr. Speaker, Greene, Anderson, Andrews, Bradford, Burford, Gillespy, Wyly—7.

Those who voted in the negative are,

Mr. Brabson, Davis, Field, Holman, Lytle, M'Clellan, M'Iver, Murray, Polk—9.

And so said bill was rejected.

Mr. Polk from the committee of enrolments, reported as correctly enrolled,

An act to extend the limits of the town of Jackson, in the county of Madison. And

An act to incorporate the town of Denmark, in the county of Madison.

The Speaker of the Senate signed said enrolled bills, and ordered them to be transmitted to the House of Representatives, to receive the signature of their Speaker.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign an enrolled bill entitled

An act for the benefit of the widow and heirs of James Blair, deceased.

An act to amend an act entitled an act authorising John Brown to open and keep up a turnpike road, passed the 9th day of January, 1830. And

An act authorising the Governor of the State of Tennessee to appoint an agent to bring to a close the business of the late Mason Lee, of South Carolina, and for other purposes.

The Speaker of the Senate signed said enrolled bills, and ordered them to be deposited in the office of the Secretary of State.

The House of Representatives have adopted resolutions appointing Justices of the Peace for the counties of Hamilton and Madison, in which they ask the concurrence of the Senate. And then he withdrew.

The Senate concurred with said resolutions, and directed the clerk to acquaint the House of Representatives therewith.

On motion of Mr. Bradford,

Ordered that the following be added to the rules for the government of the Senate.

Rule.—All bills of a general nature shall be taken up and read in the forenoon, and bills of a local and private nature, shall be taken up and read in the afternoon of each day.

A bill to secure and provide for the collection of the legitimate revenue of this State was read a third time and passed.

Mr. Holman moved the Senate to reconsider said bill, which was determined in the affirmative—Ayes 11—noes—6.

The ayes and noes being demanded constitutionally by Mr. Greene,

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Field, Holman, M'Clellan, Polk, Wyly—11.

Those who voted in the negative are,

Mr. Davis, Gillespy, Greene, Lytle, M'Iver, Murray—6.

And so said bill was reconsidered.

Mr. Field moved to strike from said bill the 1st section thereof, which motion prevailed—ayes 9, noes 8.

The ayes and noes being demanded,

Those who voted in the affirmative are,

Mr. Anderson, Brabson, Bradford, Burford, Field, Holman, M'Clellan, Polk, Wyly—9.

Those who voted in the negative are,

Mr. Speaker, Andrews, Davis, Gillespy, Greene, Lytle, M'Iver, Murray—8.

And so said first section was stricken therefrom.

Mr. M'Clellan then asked and obtained leave to withdrew said bill for amendment.

A bill to compel constables to pay a poll tax and to work on public roads, was read a third time and passed.

A bill to prevent appeals in certain cases from before Justices of the Peace in certain cases, was taken up on its second reading, and the question thereon being had, "shall the bill pass?" it was determined in the negative. Ayes 3—Noes 13.

The ayes and noes being demanded,
Those who voted in the affirmative are,
Mr. Bradford, Holman, M'Clellan—3.
Those who voted in the negative are,
Mr. Anderson, Andrews, Brabson, Burford, Davis, Field, Gillespy, Greene, Lytle, M'Iver, Murray, Polk, Wyly—13.
And so said bill was rejected.

A bill for the benefit of Carrick W. Nelson, was taken up, on its third and last reading in both Houses, and thereupon the question was had, "shall the bill pass?" and determined in the negative—ayes 8—noes 9.

The ayes and noes being constitutionally demanded by Mr. M'Clellan,
Those who voted in the affirmative are,
Mr. Anderson, Andrews, Gillespy, Holman, Jetton, Lytle, M'Clellan, Murray—8.
Those who voted in the negative are,
Mr. Speaker, Brabson, Burford, Davis, Field, Frey, Greene, M'Iver, Wyly—9.
And so said bill was rejected.

Mr. Wyly moved a reconsiderstion of the vote just given, which prevailed.

Mr. Davis then asked and obtained leave to withdraw said bill for amendment.

Mr. Greene submitted the following,

Resolved, That any member moving to lay a bill or resolution on the table except to a definite day, shall be required to call it up within two days for consideration.

Resolved, That no bill shall be reconsidered the second time, and that the foregoing when adopted shall be added to the rules of the Senate, and the rule being suspended requiring resolutions to lie one day on the table, Mr. Burford moved a division of the question, which being sustained the first resolve was put upon its adoption and determined in the negative. Ayes 8—Noes 10.

The ayes and noes being demanded,
Those who voted in the affirmative are,
Mr. Speaker Douglass, Andrews, Davis, Frey, Gillespy, Greene, Lytle, M'Iver—8.
Those who voted in the negative are,
Mr. Anderson, Brabson, Bradford, Burford, Field, Holman, M'Clellan, Murray, Polk, Wyly—10.
And so said first resolve was rejected.

The question was then taken upon the adoption of the second resolve, and determined in the affirmative. Ayes 15—Noes 3.

The ayes and noes being demanded,
Those who voted in the affirmative are,
Mr. Speaker Douglass, Anderson, Andrews, Burford, Davis,

Field, Frey, Gillespy, Greene, Lytle, McClellan, M'Iver, Murray, Polk, Wyly—15.

Those who voted in the negative are,

Mr. Brabson, Bradford, Holman—3.

And so said 2d resolve was adopted.

A bill to prescribe the manner in which costs in criminal cases shall be paid, and for other purposes, was on motion of Mr. Holman ordered to lie on the table.

Mr. Holman introduced

A bill for the benefit of Overton county. And

Mr. Murray

A bill to incorporate the town of Troy in the county of Obion.

Said bills were severally read a first time and passed.

Received from the House of Representatives,

A bill to suppress open and notorious lewdness and for other purposes.

A bill to authorize the commissioners of the Bean Station turnpike road to pay interest on certain money.

A bill for the encouragement of Salt works.

A bill to repeal part of an act entited an act to make two regiments by a division of the 5th regiment, passed Oct. 12th, 1829.

A bill for the benefit of John Jett, John Chism, Thomas Bounds and John Lyon.

A bill for the benefit of William Moore of Gibson county.

A bill for the relief of Amy Wherry of the county of Wilson.

A bill to authorize the county court of Knox county to levy a tax to aid in erecting a court-house.

A bill for the relief of Demsey Corbit and others.

A bill for the relief of Eliza Ditmore.

A bill for the benefit of Isaac Low and D. C. Chamberlain. And

A bill to incorporate the Sommerville Female Academy.

All of which were severally read a first time and passed.

A bill for the relief of the clerk of the circuit court of Claiborne county, and for other purposes.

A bill to incorporate the Trustrees of Brownsville academy in the county of Haywood.

A bill to authorise a precinct election to be held in the county of Fentress, and for other purposes.

A bill for the benefit of Nathaniel W. Butler.

A bill to exempt the militia of th 58th Regiment in the county of Morgan from attending Battalion musters.

A bill to amend an act entitled an act to extend the turnpike road granted to William Reynolds, passed Nov. 25th, 1829, and for other purpose.

A bill for the relief of Sally Martin.

A bill to authorize Amos Marney to open and keep up a turnpike road. And

A bill to establish a precinct election in Greene county,—were severally second time and passed.

And then the Senate adjourned.

TUESDAY MORNING, OCTOBER 25, 1831.

Mr Polk from the committee on enrollments reported as correctly enrolled "A resolution appointing Justices of the peace for the county of Sullivan," said resolution was signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

Mr. M'Clellan from the committee on divorces to whom was refered, A bill to provide for the divorce of Maria Harp from her husband Nathaniel Harp, reported that the committee have had the same under consideration, think its provisions reasonable, and advise its passage—said bill was read a first time and passed.

Mr. McClellan from the same to whom was referred the petition of Dinah Deathridge, the petition of Lucinda Farrow, and the petition of Noah Miller, praying for divorces, reported that the committee have had the same under consideration, think them reasonable, and had instructed him to report A bill to divorce Noah Miller from his wife Alcy Miller, and for other purposes, and to recommend its passage—said bill was read a first time and passed.

Mr. McClellan from the same, to whom was referred the petition of Minerva F. White, and the petition of Jacob Lowdermilk, reported that the committee have had the same under consideration, think the prayer of the petitioners unreasonable and ought not to be granted—said report was concurred in by the Senate.

Mr. Field from the committee on captain's companies and justices of the peace, to whom was referred the return of the clerk of the county court of Maury county, shewing the number of justices of the peace and militia companies in said county, and a resolution appointing justices of the peace for said county of Maury, reported that the committee have examined the same, and had instructed him to advise the adoption of said resolution—said resolution was read and adopted.

A resolution heretofore submitted by Mr. Perkins appointing justices of the peace for the county of Franklin, was taken up, read and adopted. Ordered, that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Lytle submitted the following,

Resolved, by the General Assembly of the State of Tennessee, That Jonathan Browning, John C. Bowers, William James, John Wright, James Sims, Howell Harris, Francis M'Gavock, James

Thompson, Wm. H. Hagans and Joseph W. Horton be, and they are hereby appointed, Justices of the Peace for the county of Davidson.

Mr. Field introduced

A bill for the benefit of Garnishees, which was read a first time and passed.

Mr. Gillespy returned with an amendment which was received,

A bill providing for the entry of the forfeited lands in the Hiwassee district.

Mr. Anderson asked and obtained leave to withdraw said bill for further amendment.

A bill to incorporate a board of internal improvement east of Cumberland mountain, and for improving the navigation of the Tennessee and Holston rivers, was, on motion of Mr. Greene, referred to the committee on internal improvements.

A bill authorising imprisonment for misdemeanors in certain cases, was taken up on a third and last reading in both Houses, and thereupon the question was had, "shall the bill pass?" and determined in the negative—ayes 7—noes 13.

The ayes and noes being demanded,

Those who voted in the affirmative are,

Mr. Andrews, Burford, Frey, Gillespy, Greene, Lytle, Murray—7.

Those who voted in the negative are,

Mr. Speaker, Douglass, Anderson, Brabson, Bradford, Davis, Field, Holman, Jetton, M'Clellan, M'Iver, Perkins, Polk, Wyly—13.

And so said bill was rejected.

A bill to enable the citizens of Dickson county to build a court house in said county, and for other purposes, was, on motion of Mr. Davis, referred to the committee on Finance.

Mr. Field from the committee of enrolments, reported as correctly enrolled, a resolution appointing Justices of the Peace for Henderson county.

The Speaker of the Senate signed said resolution, and ordered it to be transmitted to the House of Representatives.

A bill for the benefit of the citizens living on Cumberland mountain in Warren county.

A bill for the relief of Elizabeth Casey, of Rhea county. And

A bill to appropriate certain money to the improvement of the navigation of Big Sandy river, were severally read a third and last time in both houses, passed and ordered to be enrolled.

Mr. Holman introduced

A bill to authorise Jose C. Dew & Co. to build a toll bridge across the falling water in White county. And

Mr. Murray,

A bill to regulate the toll at Robert Jetton's turnpike gate at

Sandy Bridge, which were severally read a first time and passed.

Received from the House of Representatives

A bill to authorise James M'Kinley and Lewis Fletcher, to open a turnpike road.

A bill to authorise David S. Shelton, to build a wing mill dam on Sequatchee river. And

A bill to authorise the proprietors of the Unicoy turnpike road company to enter certain lands heretofore reserved to said company; which were severally read a first time and passed.

Mr. Davis introduced

A bill to amend an act entitled an act to compel the commissioners of the town of Lawrenceburgh to close the business, and to appropriate the monies in their hands to county purposes, passed December 7th, 1829; which was read a first time and passed.

A bill to authorise a lottery for the continuation of Union street in the city of Nashville.

A bill for the benefit of Daniel D. Foute, of Blount county. And

A bill to authorise the register of the Hiwassee district to issue grants in certain cases, were severally read a second time and passed.

A bill for the relief of Montgomery Irvine, Jailer of Sullivan county. And

A bill to amend an act passed the 13th January, 1831, entitled an act to prescribe the manner of holding elections to elect members of Congress, members of the General Assembly, and electors, to elect the President and Vice President of the United States, in the county of Knox, were severally read a third time and passed.

Mr. Murray returned

A bill to amend an act to incorporate a medical society in the State of Tennessee; which was, on motion of Mr. Murray, ordered to lie on the table.

Mr. Davis returned with an amendment providing for Hezekiah B. Mitchell and James Banks—A bill for the benefit of Carrick W. Nelson, of Carter county.

Said amendment was received—Mr. Burford offered an additional section thereto for the benefit of John Walters, of Smith county; which was also received.

Mr. Greene asked and obtained leave to withdraw said bill for further amendment.

Mr. Holman withdrew for amendment,

A bill to appoint commissioners upon Hale's Turnpike road, in White and Bledsoe counties. And

A bill making compensation to certain enterers and grantees, for their improvements between the two Kentucky lines.

A bill for the benefit of Henry Liggett. And
A bill to authorise Alexander Dugger to open and keep up a turnpike road, were, on motion, ordered to lie on the table.
And then the Senate adjourned.

WEDNESDAY, OCTOBER, 26, 1831.

Mr. Greene asked and obtained leave to enter the following protest

In the exercise of the sacred privilege secured by the constitution of our common country, I feel that I do no more than duty and justice require, in submitting the reasons that influenced me to oppose and vote against the motion of the Senator from Giles, to strike out the first section of the bill to provide for the collection of the legitimate revenue of the State. By the provisions of that section, the grantee was required to ascertain and list for taxation the true quantity of land, covered by the mammoth grants issued by the State of North Carolina, (according to the true butts and bounds specified therein) which, upon examination, might be found to exceed the quantity called for.

It is a remarkable fact, that notwithstanding the said first section has been stricken from the bill, the propriety, justice, and equity of its provisions have not been, nor can they be, questioned. Confronted as we are, by the plain language of the 26th section of the 1st article of the constitution of our State, which provides that all lands liable to taxation in this State, held by deed, grant or entry, shall be taxed equal and uniform, in such manner that no one hundred acres shall be taxed higher than another, is so obvious, clear and distinct, that the injustice done the State, as well as the counties in which such grants are located, by the destruction of said 1st section, is too manifest to require further illustration. With the single view to avert the frauds practised on the State and county revenue, (by evading the payments of the legitimate tax, on the excess of lands held under such grants,) was that section penned; by its destruction the true and ostensible object of the whole bill is defeated. I therefore ask leave to record, this my protest, against so invidious an operation of our land laws, in the unequal taxation thus recognized in favor of the few, but wealthy and large landholders, to the evident oppression of the many, but poorer class of citizens, by the necessary and unavoidable increase of taxation on them, to supply the deficiency, resulting from the exemption of many hundred thousand acres of land from taxation held by grants from North Carolina.

JAMES I. GREENE.

Mr. Speaker Douglass presented the resignation of Wm. Seawell, a Justice of the Peace for the county of Wilson; which was read, accepted, and ordered to be transmitted to the House of Representatives.

Mr. Field presented the return of the clerk of the circuit court of Giles county, shewing the amount of tax collected by him on suits, deeds, &c. from October 1st 1829 to the 1st of October 1830, which was referred, on motion of Mr. Field, to the committee on Finance.

Mr. Murray presented the petition of Robert Baker, praying to be divorced from his wife Charlotte, which was referred, on motion of Mr. Murray, to the committee on divorces.

Mr. Murray also presented a memorial from sundry citizens of Henry county, asking the passage of a law allowing Justices of the Peace compensation for their services, which was referred, on motion of Mr. Murray, to the Judiciary committee.

Mr. M'Iver, from the committee on propositions and grievances, to whom was referred the petition of John Grayson, of Monroe county, reported that the committee have had the same under consideration; that they believe the prayer of the petitioner reasonable, and had instructed him to report a bill for the benefit of John Grayson, of Monroe county.

Said bill was read a first time and passed.

Mr. M'Iver from the same, reported favorable on the petition of R. A. M'Ree; which was ordered to be transmitted to the House of Representatives on motion of Mr. Andrews.

Mr. M'Iver, from the same, reported unfavorable on the petition of Lucinda Allen.

Mr. Greene moved a non-concurrence with said report, which prevailed, and asked, and obtained leave, to withdraw the same.

Mr. M'Iver, from the same, reported favorable on the petition of M'Ewing and M'Amy, which was concurred in by the Senate.

Mr. M'Iver, from the same, to whom was referred a bill for the relief of John R. Charter, of Hickman county, reported that the committee have had the same under consideration, think its provisions reasonable, and recommend its passage.

Said bill was then read, and the question thereon being had, "shall the bill pass?" it was determined in the affirmative—Ayes 11—noes 8.

The ayes and noes being constitutionally demanded by Mr. Wyly,

Those who voted in the affirmative are,

Mr. Anderson, Andrews, Bradford, Davis, Gillespy, Greene, Jetton, Lytle, M'Iver, Perkins, Polk—11.

Those who voted in the negative are,

Mr. Speaker, Douglass, Brabson, Burford, Field, Frey, M'Clellan, Murray, Wyly—8.

And so said bill passed its second reading.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives concur with the Senate's resolution appointing Justices of the Peace for the county of Franklin.

The Speaker of the House of Representatives did this day sign an enrolled resolution appointing Justices of the Peace for the counties of Madison and Hamilton. And then he withdrew.

The Speaker of the Senate signed said enrolled resolution, and ordered it to be deposited in the office of the Secretary of State.

Mr. Lytle's resolution of yesterday appointing Justices of the Peace for Davidson county, was taken up, read and adopted.—Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Greene returned with an amendment, [a bill] for the benefit of the heirs and legal representatives of John McEwen, deceased, and James McAmy, deceased.

"A bill for the benefit of Carrick W. Nelson, of Carter county."

Mr. Burford offered an additional amendment thereto, for the relief of John Walters of Smith county, and Mr. Davis an amendment for relief of Hezekiah B. Mitchell and James M. Banks, all of which were received, and the bill being upon its third and last reading in both Houses, it was ordered that the clerk by message acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. McClellan returned with an amendment in lieu of the whole from the enacting clause, A bill to secure and provide for the collection of the legitimate revenue of this State—said bill and amendment were withdrawn by Mr. Burford for further amendment.

Mr. Murray submitted the following,

Resolved, by the General Assembly of the State of Tennessee, That John Thomas, Stephen Goolsby, Paul M. Palmer, Ebenezer Craig, James D. Thomas, William Todd, John Sarett and John F. Cavette, be and they are hereby appointed Justices of the peace for the county of Weakly.

Mr. Gillespy the following,

Resolved, by the General Assembly of the State of Tennessee, That the keeper of the Penitentiary is hereby authorized to admit visiters to the interior of said Penitentiary, according to his own discretion, during the present session of this general assembly.

Mr. Anderson the following,

Resolved, That the President and Directors of Bank of the State of Tennessee, at Nashville report to this General Assembly, what the prospects are of having an amicable adjustment with the late

cashier of the Bank of State of Tennessee at Nashville and his securities so as to secure the amount that said cashier is chargeable with. What are the precise propositions that have been made, if any such have been made by said cashier or his securities to secure the amount due from said cashier to said Bank; and in fine to report every reason, term, proposition and offer which have induced the board of Directors to delay bringing suit against said Cashier and his securities; and what offers are now made to secure said debt. Also to state whether said Cashier has given more than one boud to the Bank, and if so to state the dates of the bonds, the amount of the penalty in each, and the names of the securities to the several bonds that may have been given.

And Mr. Brabson the following,

Resolved, That the Senate will hereafter take up bills on their 3d reading first; then bills on their 2d reading, and next bills on their 1st reading, and that they shall be kept filed according to the foregoing order, and that it shall not be in order for any member to call up bills out of their respective classes, but they shall be put to the Senate each in their turn according to the above rules, as well those of a private as of a public character.

A bill making an appropriation for the completion of the Penitentiary established in this State, was referred on motion of Mr. Burford to the Penitentiary committee.

A message from the House of Representatives by Mr. Campbell their Clerk.

MR. SPEAKER,

The House of Representatives nonconcur with the several amendments proposed by the Senate to a bill for the benefit of Carrick W. Nelson of Carter county. And then he withdrew.

The Senate receded from said proposed amendments, and the bill was read a third and last time in both Houses, passed and ordered to be enrolled.

The Senate took up a bill to reduce the salaries of the Judges of the Supreme Court to one thousand dollars. Mr. Davis moved to strike out the words one thousand dollars, for the purpose of inserting five hundred dollars, which motion was lost.

Mr. Bradford offered the following as an amendment thereto,

Be it enacted, That the salary of the Circuit courts Judges of this State, be henceforward one thousand dollars and no more; and thereupon the question was had, "Will the Senate receive said amendment," and determined in the affirmative. Ayes 12—Noes 8.

The ayes and noes being demanded,

Those who voted in the affirmative are

Mr. Bradford, Burford, Davis, Gillespy, Greene, Holman, Jetton, Lytle, McClellan, McIver, Perkins, Wyly—12.

Those who voted in the negative are

Mr. Speaker Douglass, Anderson, Andrews, Brabson, Field, Frey, Murray, Polk—8.

And so said amendment was received.

Mr. Gillespy offered an amendment to said bill fixing the salaries of the Chancellors of this State, to one thousand dollars, and the question thereon being had it was determined in the negative. Ayes 9—Noes 11.

The ayes and noes being constitutionally demanded,

Those who voted in the affirmative are

Mr. Bradford, Gillespy, Greene, Holman, Jetton, McClellan, McIver, Perkins and Wyly—9.

Those who voted in negative are

Mr. Speaker Douglass, Anderson, Andrews, Brabson, Burford, Davis, Field, Frey, Lytle, Murray, Polk—11.

And so said amendment was rejected.

Mr. Brabson then moved the indefinite postponement of the bill, and thereupon the question was put, and determined in the negative. Ayes 8—Noes 12.

The ayes and noes being demanded,

Those who voted in the affirmative are,

Mr. Anderson, Andrews, Brabson, Field, Frey, Jetton, McIver, Murray—8.

Those who voted in the negative are,

Mr. Speaker Douglass, Bradford, Burford, Davis, Gillespy, Greene, Holman, Lytle, McClellan, Perkins, Polk, Wyly—12.

And so said motion was lost.

The bill was then put upon its passage and carried. Ayes 12—Noes 8.

The ayes and noes being demanded,

Those who voted in the affirmative are

Mr. Speaker Douglass, Bradford, Burford, Davis, Gillespy, Greene, Holman, Lytle, McClellan, Perkins, Polk and Wyly—12.

Those who voted in the negative are,

Mr. Anderson, Andrews, Brabson, Field, Frey, Jetton, McIver, and Murray—8.

And said bill passed its second reading.

A bill for the relief of the occupants south and west of the congressional reservation line:

A bill for the relief Wm. Pope.

A bill to amend an act passed December 23d, 1829, entitled an act to extend the town of Brownsville, and for orher purposss,

A bill to establish a town in the county of Henry. And

A bill to compensate Jurors in Sullivan county, were severally read a 2d time and passed.

Mr. Anderson returned with an amendment,

A bill providing for the entry of the forfeited lands in the Hi-

wassee district, said bill was on motion of Mr. Anderson ordered to lie on the table.

A bill to amend the Judicial system of the State of Tennessee, was on motion of Mr. Anderson referred to the Judiciary committee.

Mr. Perkins introduced,

A bill for the benefit of Nancy McClanathan, which was read a first time and passed.

Received from the House of Representatives.

A bill providing for the leasing of lands which have been set apart for common schools and for the keeping of common English schools on the same.

A bill to appropriate the school lands in the Hiwassee district to the use of schools for the instruction of children therein.

A bill for the benefit of Wm. Gibson.

A bill to establish the 17th Solicitorial district in this State.

A bill for the benefit of George Wallis of Wayne county. And

A bill for the benefit of Richard Locke, all of which were severally read a first time and passed.

The Senate took up,

A bill for the relief of Peter Chilcut and A. H. White,

Mr. Bradford offered an amendment thereto, requiring the said Chilcut & White to make oath before some justice of the peace, that they have not been indemnified in their securityship by St. Leger, before they receive the benefit intended by said bill.

And Mr. Gillespy an amendment for the relief of James Rose and others, securities of Hiram M. Marray.

Said amendments were received, and the bill being upon its 3d and last reading in both Houses, it was ordered that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Holman returned without amendment,

A bill to appoint a commissioner upon Hail's turnpike road in White and Bledsoe counties

Said bill was read a first time and passed.

A bill to divorce Robert Baker from his wife Charlotte, was referred on motion of Mr. Murray to the committee on divorces.

Mr. Perkins withdrew for amendment,

A bill to establish the county of De Kalb, in this State.

And the Senate adjourned.

THURSDAY MORNING, OCTOBER 27, 1831.

Mr. M'Clellan presented the petition of Montgomery Irvine, ask-

king compensation for keeping William Crutchfield in the Jail of Sullivan county, and also the petition of sundry citizens of Sullivan county, asking relief for the witnesses on the part of the State in the case of the State, vs. James Havron; both of which were referred, on motion of Mr. M'Clellan, to the committee on claims.

Mr. Gillespy presented returns of elections for Justices of the Peace for Monroe county, and asked their reference to the committee on militia companies and Justices of the Peace.

Mr. Gillespy also presented the petition and remonstrance of James Houston, accompanied by other instruments, which was referred, on motion of Mr. Gillespy, to the committee on propositions and grievances.

Mr. Murray from the committee on claims, to whom was referred the petition of William Eaton, reported that the committee have had the same under consideration, think the prayer of the petitioner reasonable, and had instructed him to report "A bill for the relief of William Eaton of Henderson county. Said bill was read a first time and passed.

Mr. M'Clellan from the committee on divorces, to whom was referred a bill to divorce Robert Baker from his wife Charlotte, and for other purposes, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to advise its passage.

Said bill was read a 2nd time and passed.

Mr. Gillespy from the committee on school lands, to whom was referred a bill for the relief of Nimrod Dodson, reported that the committee have examined the provisions of the same, think them reasonable, and had instructed him to recommend its passage with an amendment, requiring the Treasurer to pay him out of monies arising from school lands in Warren county, instead of West Tennessee. Said report was concurred in, the amendment made, and the bill withdrawn by Mr. Perkins, for further amendment

Mr. Greene from the committee on internal improvement, reported that the committee have had under consideration, the bill to them referred, providing for the establishment of three boards of internal improvement, and for placing the funds of the State set apart, and appropriated by the 18th General Assemby, for the improvement of the navigable rivers and other objects of internal improvement in this State, in the hands of said boards with directions for making surveys and estimates, for rail roads, &c. and beg leave to bring to the view of the Senate, in making their report, that the great and growing interest felt by all classes of the community, that some efficient and practical system of internal improvement should be adopted by the Legislature, urges your committee, in submitting their views, to enter more in detail than

would be deemed necessary on ordinary subjects.

The policy of improving the natural, and of opening artificial facilities to intercourse for the promotion of commerce and other objects of general welfare, has at all times very justly been considered, by civilized communities and enlightened statesmen, of vital importance to the high interest of a free government, as having a direct tendency to develope the latent resources of the State, by giving an additional spring to industry and enterprise, and thereby advancing the prosperity, and opening up new sources of wealth to the citizen.

But, in adopting a system of internal improvement, it should be ever borne in mind, that all works of that kind, are, and of necessity must be, progressive; and so far as legislative aid is concerned, it seems obvious that their extent should be limited to the means which the State can safely apply to that interesting object. With reference, therefore, to the available funds of the State, in connection with the objects proposed for improvement, should all legislative aid be directed; always selecting such objects, and commencing the works at such points of obstructions as present the most serious impediments to intercourse, and which obviously promises the most certain and immediate benefit to the commercial and agricultural interests of the country.

However desirable, therefore, it is to carry works of internal improvement to the full extent of which our numerous rivers and public roads are susceptible, it cannot be denied that our funds are at this time wholly inadequate to a successful prosecution of any system of improvements predicated on so large a plan as is contemplated by the bill referred to your committee.

To attempt, therefore, a system of improvements embracing the whole range of the diversified interest of the State, by ordering surveys and estimates preparatory to the construction of rail roads turnpikes, &c., a work requiring the expenditure of many millions of dollars, with a capital of less than one million, cannot but appear to your committee as highly injudicious and visionary.

Your committee therefore think it would be an improvident expenditure of the public money, by exhausting the already scanty means of the State, in making surveys for rail roads, while it is evident beyond contradiction that the State does not, nor cannot, on any assumable data, possess the funds, for a long time to come, to construct works of such expensive magnitude.

That a loan could be negotiated on the faith of the State, at reasonable interest, your committee do not doubt. But, in a community isolated as that of Tennessee is, emphatically agricultural and comparatively participating but slightly in commercial enterprise, it is believed that a resort to borrowing would be a hazardous experiment, not called for by the interest of the community.

--And your committee deprecate a policy that must eventuate in fixing on the present and coming generations an onerous debt without the prospect of its bringing with it an equivalent benefit to the State.

And if we turn our eyes to the general government for aid, we see that by the wise and cautious provisions of the palladium of our liberties, no power is vested in that government to dispense the national funds, either directly by appropriation, nor indirectly by distributions to the States, other than for works which in their character are clearly national.

In support of this important truth, your committee would beg leave to refer to the doctrine of constitutional law laid down by Mr. Monroe in his veto message, and especially to the more recent, intrepid and luminous expose of the true reading of the Federal Constitution as contained in President Jackson's veto message on the Maysville turnpike road bill. It follows, then, that until the federal constitution is so amended as to authorise it, the general government cannot extend its aid by appropriations, and much less it would seem in the absence of all power, can that object be effected indirectly by a distribution of the national revenue for the promotion of local or State improvements, this being clearly among the reserved rights with which the States have not parted, and in which the general government cannot participate without an assumption of power not guaranteed, and the exercise of which it is believed would be highly dangerous, if not fatal, to the existence of the confederation. Each State, therefore, under the wise and wholesome checks and balances, fixed in the constitution of this Union, must look to its own resources, for the means of effecting all such improvements as are of a local or State character. What, then, are the funds possessed by the State of Tennessee, and which may be relied on and safely applied to the interesting objects of internal improvements? In answer to this enquiry it will be found that the whole available funds of the State do not exceed seven hundred and fifty thousand dollars, or thereabouts; all of which, by an act of the 17th General Assembly, was vested in a common school fund, except the one half of the monies arising from the sales of the Hiwassee lands, amounting, after deducting the remittances made to the purchasers, at said sales, to about one hundred and seventy-five thousand dollars, of which last named sum, one hundred and fifty thousand dollars was set apart and appropriated by an act of the 18th General Assembly, for the improvement of the navigable rivers, and other objects of internal improvement in this State. Hence it is seen that the funds applicable to the objects of internal improvement, in fact amounts to only one hundred and fifty thousand dollars, and until a further provision shall be made by

the Legislature, it is manifest that but little can be done in the way of improvements with so small a sum.

Your committee, however, entertain strong hopes, that something may be done even with this small amount, by way of commencing a system of internal improvement, well be calculated to afford important facilities to the present commerce of the country by an immediate application of the funds set apart to that object in each division of the State, to the removing of such obstructions in our rivers as present the greatest difficulties to navigation, and to the melioration of such public roads, in any particular section, as it is believed would conduce most to public utility. But with a view to a satisfactory and beneficial application of the funds set apart to each, it is believed that the several divisions of the State should have separate and independent boards of commissioners, with authority under the direction of the Legislature, to apply the funds appropriated to each section to such objects of improvement as shall be judged most important to the advancement of the public interest in each respectively.

Your committee further beg leave to suggest that in the event the legislature should determine to prosecute a system of internal improvements, beyond the means already appropriated to that object, the propriety of vesting the capital now funded for the support of common schools, and amounting to about six hundred thousand dollars in State stock, with a view to its application in constructing works of improvements commensurate with the wants and interest of the community throughout the State.

The policy of ameliorating the natural and achieving artificial channels of intercourse for the facilitating trade, being, as above premised, in its nature progressive, it is believed that from fifty to seventy-five thousand dollars, would be as large a sum as would be required, annually, in the prosecution of this paramount object. By rescinding the charter of the Bank of the State, and calling in the outstanding debts due that institution, in annual instalments of ten or fifteen per cent. an amount equal to the sum above named, would be placed at the disposal of the government, and could be expended each year, in the construction of works of improvement; while the money thus called in and expended on this plan, would combine the important advantages of returning in the very action of its useful expenditure again to the people, in a natural way for their labor and breadstuffs, thereby effecting at once the recuperation of the circulating medium of the country, and also supplying to the debtor class the means of meeting the next annual call. But should the Legislature adopt the policy of converting the whole or any portion of the school fund into State stock, as above suggested, provisions should at the same time be made for paying over to the support of common schools, a divi-

dend of five per cent. on the amount so withdrawn, and converted into State stock, so that the laudable object of educating the rising generation in the elementary branches might sustain no injury by the new application thus given to a portion of the funds set apart for that object.

In accordance with the above view of the subject, the committee have had under consideration, a bill to vest the boards of internal improvement with the power to receive and apply the money set apart for internal improvement by the General Assembly of this State in 1829—And, a bill to incorporate a board of internal improvement east of Cumberland mountain, and for appropriating thirty thousand dollars to the improvement of the navigation of the Tennessee and Holston rivers. Which said bills were to them referred, and have instructed me to report the same with an amendment in lieu of them both, and recommend that the amendment be received and passed.

JAMES I. GREENE, Chairman.

Said report, bills and amendment were, on motion of Mr. Greene, laid upon the table, and made the order of the day for Saturday next.

A resolution submitted on yesterday by Mr. Anderson, directory to the President and Directors of the bank of the State of Tennessee.

A resolution submitted on yesterday by Mr. Gillespy, authorising the keeper of the Penitentiary to admit visitors to the interior thereof according to his own discretion.

A resolution submitted on yesterday by Mr. Murray, appointing Justices of the Peace for the county of Weakly. And

A resolution submitted on yesterday by Mr. Brabson, adopting new rules in relation to bills on their several readings in the Senate, were severally taken up, read and adopted.

Mr. Bradford submitted the following:

Resolved, That the cashier of the State bank report the amount of interest which has been received from the agencies at the principal bank since its establishment down to the period at which the late cashier ceased to act; and also to shew in said report, what should have accrued upon the funds sent to the agencies to the same period, and that the same be exhibited by a general account, shewing the interest up to the several periods of curtailment of loans at the agencies.

Mr. Burford, the following:

Resolved, by the General Assembly of the State of Tennessee, That the sub-committee on banks be, and they are hereby directed, to count all change notes of a less denomination than one dollar, and after having the amount of the notes of each denomina-

tion first entered on the books of the bank, said committee shall burn the same.

Mr. Field submitted the following,

Resolved, by the General Assembly of the State of Tennessee, That Robert G. Abernathy, Tilman R. Daniel, Peter Gorland, Simpson H. White, John Dicky, Nathaniel Graves, James E. Mason, James McCollum, Robert B. Harney, Andrew Gordon and Robert M. Bugg be, and they are hereby appointed justices of the peace for the county of Giles. And

Mr. McIver the following,

Resolved, by the General Assembly of the State of Tennessee, That John Nicholson, William C. Hajer, Solomon D. Spain, Asher Branch and William Simpson be, and they are hereby appointed justices of the peace for the county of Tipton.

Mr. Murray introduced,

A bill to establish the rate of county tax on lands in this State, and for other purposes.

Mr. Brabson,

A bill to amend the laws now in force and use in this State, authorizing persons to sell groceries which they may have purchased with produce.

Mr. McIver,

A bill to authorize the drawing of a lottery for the benefit of Somerville male and female academy. And

Mr. Greene

A bill for the relief of the personal representatives and legal heirs of John McEwen, deceased, and James McKamy, deceased.

Said bills were severally read a first time and passed.

Mr. Holman returned without amendment,

A bill making compensation to certain enterers and grantees for their improvements between the two Kentucky lines. Said bill was read a second time and passed.

Received from the House of Representatives,

A bill to amend an act incorporating the town of Bolivar in Hardeman county.

A bill for the relief of Frederick Sawyers and George Wallace of Overton county.

A bill to extend the town of Sparta.

A bill to amend an act entitled an act to incorporate the Gallatin turnpike company.

A bill for the benefit of Thomas H. Fletcher and Dempsey Powell.

A bill to authorise William Simpson to open and establish a toll bridge and turnpike road across Hatchie River.

A bill to amend the several laws incorporating the town of Nashville.

A bill for the benefit of Isaac West, and for the encouragement of iron works in the Western District.

A bill for the relief of Cullen and Willie Bayliss.

A bill authorizing Jesse Lincoln and company to open a turnpike road.

A bill to incorporate the Franklin and Columbia turnpike road. And

A bill for the relief of James H. Mosely of Franklin county.

Said bills were severally read the first time and passed.

A bill providing for the leasing of lands which have been set apart for common schools, and for the keeping of common English schools on the same.

A bill to appropriate the school lands in the Hiwassee district to the use of schools for the instruction of children therein.

A bill for the relief of George W. Churchwell and others.

A bill for the benefit of Richard C. Napier.

A bill to provide for the divorce of Maria Harp from her husband Nathaniel Harp.

A bill to establish a new militia company in the county of Wilson and for other purposes.

A bill to establish a town in the county of Greene.

A bill appointing a commissioner to receive justices papers in the county of Knox.

And

A bill for the benefit of Jesse Savage of Warren county, were severally read a second time and passed.

A bill for the benefit of Daniel D. Foute of Blount county, was taken up, read the third time and passed.

A bill to authorize a lottery for the continuation of Union street in the city of Nashville, was taken up on its third and last reading in both houses, and withdrawn by Mr. Murray for amendment.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign an enrolled bill entitled an act for the relief of Montgomery Irvine, Jailer of Sullivan county, and an enrolled bill, entitled an act to amend an act, passed 13th January 1830, prescribing the manner of holding elections in Knox county.

Said enrolled acts were signed by the Speaker of the Senate, and ordered to be transmitted to the office of the Secretary of State.

The House of Representatives concur with the resolution appointing justices of the peace for the county of Davidson, they have adopted a resolution appointing justices of the peace for the county of Jackson, and a resolution appointing justices of the

peace for the county of Claiborne, in which they ask the concurrence of the Senate.

The Senate concurred with said resolutions, and ordered the clerk to acquaint the House therewith.

The House of Representatives concur with the amendment proposed by the Senate, to a bill for the relief of Peter Chilcut & Augustus A. White, requiring them to make oath that they have not been indemnified by St. Leger, the person for whose appearance they were securities, and non-concur with their amendment to said bill for the relief of James Rose and other securities of Hiram M. Murray. And then he withdrew.

The Senate receded from the last mentioned amendment.

The Bill was then read a third and last time in both Houses, passed and ordered to be enrolled.

And the Senate adjourned.

FRIDAY MORNING, OCTOBER 28, 1831.

Mr. Gillespy presented the petition of sundry citizens of Monroe county, praying that Thomas J. Caldwell be appointed a justice of the peace for said county, which was referred on motion of Mr. Gillespy to the committee on militia companies and justices of the peace.

Mr. Davis presented the petition of John Watson, asking the exclusive privilege of building a saw and grist mill on Hardin's creek, which was referred on motion of Mr. Davis to the committee on propositions and grievances.

Mr. Frey presented the petition of B. R. Powell and the petition of Stephen Smith, both asking leave to hawk and peddle without obtaining license therefor—said petitions were referred on motion of Mr. Frey to the committee on propositions and grievances.

Mr. Gillespy from the committee on the Judiciary to whom was referred a bill to define the liability of endorsers, reported that the committee have had the same under consideration, think its provisions unreasonable and recommend its rejection.

Mr. Holman moved a nonconcurrence with said report, and the question thereon being taken, it was determined in favour of said motion. Ayes 11—Noes 8.

The ayes and noes being demanded constitutionally by Mr. Holman,

Those who voted in the affirmative are

Mr. Speaker Douglass, Andrews, Burford, Davis, Frey, Greene Holman, Jetton, McClellan, McIver, Murray—11

Those who voted in the negative are,

Mr. Anderson, Brabson, Bradford, Field, Gillespy, Lytle, Polk, Wyly—8

And so said motion prevailed.

Mr. Murray moved to strike from said bill the amendment made thereto by the House of Representatives, which motion prevailed.

Mr Holman then offered an amendment in lieu of the whole, which was rejected.

Mr. M'Iver offered an amendment in lieu of the whole from the enacting clause, which motion carried—ayes 12, noes 8.

The ayes and noes being demanded by Mr. M'Iver,

Those who voted in the affirmative are,

Mr. Speaker, Douglass, Burford, Davis, Gillespy, Greene, Holman, Jetton, Lytle, M'Clellan, M'Iver, Perkins, Polk—12.

Those who voted in the negative are,

Mr. Anderson, Andrews, Brabson, Bradford, Field, Frey, Murray, Wyly—8.

And so said amendment was received.

The bill was then read as amended, and thereupon the question was had, "shall the bill pass?" and determined in the negative—ayes 9—noes 11.

The ayes and noes being demanded,

Those who voted in the affirmative are,

Mr. Speaker Douglass, Burford, Davis, Greene, Holman, Jetton, M'Clellan, M'Iver, Perkins—9.

Those who voted in the negative are,

Mr. Anderson, Andrews, Brabson, Bradford, Field, Frey, Gillespy, Lytle, Murray, Polk, Wyly—11.

And so said bill was rejected.

Mr. Gillespy from the same, to whom was referred "A bill to authorise appeals in cases of fines for contempt,' reported an amendment thereto in lieu of the whole bill from the enacting clause.

Mr. Anderson asked and obtained leave to withdraw for examination and further amendment, said bill and amendment.

Mr. Gillespy from the same, to whom was referred "A bill relative to the registration of deeds and for other purposes—and "A bill to do away jury trials in the county court," reported the same with amendments, and moved to lay them on the table, which motion prevailed.

Mr. Gillespy from the same, to whom was referred "A bill to repeal part of the act of 1827," reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to recommend its passage.

And thereupon the question was had, "Will the Senate concur with said report?" and determined in the negative— ayes 8—noes 12.

The ayes and noes being constitutionally called for by Mr. Murray,

The affirmative voters are,

Mr. Speaker Douglass, Anderson, Brabson, Burford, Frey, Gillespy, Holman, Jetton—8.

Those who voted in the negative are,

Mr. Andrews, Bradford, Davis, Field, Greene, Lytle, M'Clellan, M'Iver, Murray, Perkins, Polk, Wyly—12.

And so said bill was rejected.

Mr. Gillespy from the same committee, to whom was referred "A bill to amend the Judicial system of this State," reported that the committee have examined the provisions of said bill, and had instructed him to recommend the passage of the first ten sections, and the rejection of the balance of the bill.

Mr. Holman moved that the question of concurrence be taken as to the seven first sections of the bill; which motion prevailed.

Said sections provided, that hereafter the circuit courts of this State shall have and exercise exclusive jurisdiction over all actions of trespass, detinue, trover, accounts and on the case, attachments on debts of which the courts of Pleas and Quarter sessions in this State now have jurisdiction, except actions of debt and assumpsit, founded on bills, bonds, promissory notes, or liquidated accounts signed by the party intended to be charged therewith. That the last mentioned actions of debt and assumpsit, may hereafter be brought in the county courts as heretofore, and regularly docketed and tried by the Justices holding said courts without a jury, and without any declaration or pleading in writing on either side. That such causes shall stand for trial at the first term, to which they may be returned, (unless for good cause shewn) by affidavit for continuance. That when any such cause shall be heard and determined at the first term, (if the defendant shall desire no appeal thereon) he shall have the privilege to stay such judgment, until the rise of the second term next after the one in which the said judgment shall have been rendered, on giving good and sufficient security for such stay, and said security then and there confessing a judgment for the amount. That where any such cause shall be continued until the second term, and then tried, the stay shall be abridged or shortened in the same proportion. And if the same shall be continued beyond the stay allowed, then no stay whatsoever shall be allowed. That if any defendant or defendants shall desire a jury trial in any such actions of debt and assumpsit, it shall be the duty of the court to cause a jury of bystanders to be summoned, instanter, to try any issue or issues that may be made up by parol. That all laws and parts of laws requiring the appointment and attendance of grand jurors or traverse jurors, to the courts of Pleas and Quarter sessions, be repealed.

Whereupon the question was submitted, "Will the Senate concur in the report of the committee?" and determined in the negative—ayes 8, noes 12.

The ayes and noes being constitutionally demanded by Mr. Holman,

The affirmative voters are,

Mr. Speaker Douglass, Anderson, Andrews, Bradford, Davis, Field, Holman, Perkins—8.

The negative voters are,

Mr. Brabson, Burford, Frey, Gillespy, Greene, Jetton, Lytle, M'Clellan, M'Iver, Murray, Polk, Wyly—12.

And so said seven sections were stricken from the bill.

The Senate then proceeded to the consideration of the 8th and 9th sections of said bill, which provide, that all jurisdiction in criminal causes, of every description heretofore exercised by the county courts shall hereafter be vested in, and be exercised by, the circuit courts, and the judges and grand jurors therein to have and to use all means, powers and process now used and exercised by the county courts for the purpose of carrying into effect the jurisdiction thereby transferred. And that it shall be the duty of each and every county court clerk in this State, to transmit and deliver to the clerks of the circuit courts, all original and other papers, pertaining to any cause pending and undetermined, (the jurisdiction of which, being transferred by the foregoing provisions) to the circuit courts; and that when any order shall have been made on any of the said causes, it shall be the duty of the clerks aforesaid, to certify and send up the same with the original papers.

Whereupon the question was submitted, "Will the Senate concur with the report of the committee, in relation to the 8th and 9th sections of the bill; and determined in the negative—ayes 10, noes 10.

The ayes and noes being demanded constitutionally by Mr. Wyly,

The affirmative voters are,

Mr. Speaker Douglass, Anderson, Andrews, Bradford, Davis, Frey, Gillespy, Greene, Holman, Perkins—10.

The negative voters are,

Mr. Brabson, Burford, Field, Jetton, Lytle, M'Clellan, M'Iver, Murray, Polk, Wyly—10.

And so the said 8th and 9th sections were stricken from the bill.

The Senate next proceeded to the consideration of the tenth section of the bill, which provides, that each of the Judges of the circuit courts, shall hold three terms in each of the counties composing his circuit, and shall have and exercise the same jurisdic-

tion in law and equity at each and all of said terms which they now have and exercise.

And thereupon the question was submitted, "Will the Senate concur with the report of the committee in relation to the 10th section of the bill, and determined in the negative—ayes 8, noes 12.

The ayes and noes being demanded constitutionally by Mr. Wyly,

The affirmative voters are,

Mr. Bradford, Burford, Davis, Field, Frey, Gillespy, Holman, Lytle—8.

The negative voters are,

Mr. Speaker Douglass, Anderson, Andrews, Brabson, Greene, Jetton, M'Clellan, M'Iver, Murray, Perkins, Polk, Wyly—12.

And so said 10th section was rejected.

The Senate next proceeded to the consideration of the 11th section of said bill, upon which the committee had reported unfavorably, and which provided "that all laws and parts of law requiring the election of Chancellors, and providing for their compensation, and which establishes separate and distinct chancery courts, and requires the same to be holden, be repealed.

And the question thereon being had, "Will the Senate concur with the report of the committee?" it was determined in the affirmative—ayes 13, noes 7.

The ayes and noes being demanded constitutionally by Mr. Wyly,

The affirmative voters are,

Mr. Speaker Douglass, Andrews, Brabson, Burford, Field, Frey, Greene, Lytle, M'Iver, Murray, Perkins, Polk, Wyly—13.

The negative voters are,

Mr. Anderson, Bradford, Davis, Gillespy, Holman, Jetton, M'Clellan—7.

And so said eleventh section was stricken out.

Mr. Greene offered the following additional section as an amendment to said bill—(to wit.)

Be it enacted that all equity jurisdiction heretofore exercised and used, by the circuit courts in this State be, and the same is hereby transferred to the chancery courts, and the clerks of the several circuit courts, are hereby required to transfer and deliver all papers and documents relating to equity cases, in their respective offices, to the clerk of the chancery court in the district where such case or cases originated. And the chancery courts shall hereafter have and exercise exclusive jurisdiction in and over all equity cases.

And thereupon the question was submitted, "Will the Senate receive said amendment, and determined in the negative—ayes 5, noes 15.

The ayes and noes being demanded constitutionally,
The affirmative voters are,
Mr. Andrews, Frey, Greene, Lytle, Polk—5.
The negative voters are,
Mr. Speaker Douglass, Anderson, Brabson, Bradford, Burford, Davis, Field, Gillespy, Holman, Jetton, M'Clellan, M'Iver, Murray, Perkins, Wyly—15.

And so said amendment was rejected.

The question was next taken upon a concurrence with the report of the committee, in relation to the twelfth and thirteenth sections of the bill. And the sense of the Senate being thereupon had, it was in accordance with the report of the committee. Whereupon it was ordered that the said twelfth and thirteenth sections be stricken from the bill.

Mr. Gillespy then moved to lay the balance of said report and bill on the table, which motion prevailed.

Mr. Frey from the committee on Finance, to whom was referred a bill to enable the citizens of Dickson county to build a court house, and for other purposes, reported that the committee have carefully examined the provisions of said bill, think them reasonable, and had instructed him to recommend its passage.

Said bill was, for the present, on motion of Mr. Frey, ordered to lie on the table.

Mr. Field from the committeee on enrolled bills, reported as correctly enrolled, a bill for the benefit of Peter Chilcut and Augustus H. White: said bill was signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

And then the Senate adjourned.

SATURDAY MORNING, OCTOBER 29th, 1831.

Mr. Brabson presented the petition of James Shields of Grainger county, praying for the passage of a law to authorize the Executors of John Shields, deceased, to convey to him a certain tract of land, which was referred on motion of Mr. Brabson to the Judiciary committee.

Mr. Davis presented the petition of sundry citizens of Wayne county, praying that the county courts may be abolished, which was referred on motion of Mr. Davis to the Judiciary committee.

Mr. Murray presented the petition of sundry citizens of Weakly county for the right of occupancy, which was referred on motion of Mr. Murray to the committe on land claims.

A resolution submitted on the 27th inst. by Mr. Field appointing justices of the peace for Giles county, was taken up, read and

adopted. Ordered that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Gillespy's report of yesterday from the Judiciary committee relating to a bill relative to the registration of deeds, and for other purposes, was taken up, read, and on motion of Mr. Holman again laid upon the table, and made the order of the day for Wednesday next.

Mr. Speaker Douglass presented the following report from his Honor Charles F. Keith.

REPORT, &c.

In obedience to a resolution by the honorable the General Assembly of the State of Tennessee, adopted on the 24th of September, 1831, "Directing me to report to them as soon as practicable, the aggregate number and value of the improvements by me adjudicated, (under the provisions of a law passed the 13th January, 1830,) the manner and principle upon which the valuation was ascertained; the character and description of such improvements as were passed, and such as were rejected: That I report the names of such improvers, and the value of their improvements by me adjudicated, as I shall consider and believe entitled to relief, but whose cases were believed by me not to be embraced within the provisions of said act: That I be required to recommend such other and further relief, as I may believe, if any, should, in justice, be provided by law for the benefit of said improvers, and that I report all such other matters and things as I deem right and proper for the information of the General Assembly;" I beg leave to make the following report:

By a reference to the act passed the 13th of January, 1830, making provision for certain improvers in the Hiwassee District, it will be perceived, that the law is somewhat ambiguous and obscure, and I had necessarily to resort to construction to effectuate the laudable intention of the legislature.

The General Assembly seemed to have had one of two objects in view at the time the law passed, to wit: To refund to the improver the probable increase price the land sold for, in consequence of the improvements, at the land sales, and which was received by the Treasurer of the state: Or, to remunerate those who had settled in the county, bestowed labor and made improvements in the District, after the extinguishment of the Indian title, and before the sales, but who were unable to compete successfully with the capitalist at the public auction. The act, in terms, excluding all who had received compensation from the purchaser, on the sale, induced me to give the latter construction to the law, and I excluded all from the benefit of the act, who had bought his own improvement at the public sales, either in person or by agent.

The accompanying document, marked A. contains the aggregate number and value of the claims adjudged valid: It also contains a copy of the petition filed in one case, to show the character of the claims, for they were similar in all material parts, the evidence, as taken down, is likewise copied, that the legislature may see the proof required, and on which the award was made.

Claimants were permitted to file their petitions till the 13th of July, 1830, inclusive, varying from the copy furnished only as the facts might necessarily vary it. After the time expired for filing claims, notice was given for the claimants to produce their testimony, which was taken down in each case and recorded in a book kept for that purpose, after the fashion prescribed in the document referred to.

When the evidence was closed, I placed the land in three general classes; 1st, timbered bottom land; 2d, untimbered bottom or savanna land; and 3d, upland. The 1st class was fixed at $6 per acre for clearing and fencing; the 2d class at $1 per acre; and $1 per hundred for all the rails that were used in enclosing the land; the 3d class at $4 per acre for clearing and fencing, subject to an increase or diminution, dependent on the manner the work was done. The other items of improvement were estimated according to the evidence in each particular case, having regard to improvements made after the 1st day of January, 1818, and before the land sales in 1820; when partail compensation had been made by the purchaser, it was ascertained and deducted accordingly. No use of the lands before the sales was esteemed compensation, or taken into the account either way.

The document marked B, shows the name of each individnal, and the amount of his claim, (though adjudged invalid.) The claims from No. 1 to 7, inclusive were rejected, because they had the benefit of their improvements, the possession of the land remaining with them, and all the laws passed allowing discounts to the purchasers, equally extended to them;and their cases fell within the construction I put upon the law, as stated in a previous part of this report. If that construction is inconsistent with the intention of the legislature, those claims ought to pass. No's. 8, 9, 10 and 11 were not allowed, because compensation had been made by the purchasers. No's. 12 and 13 were rejected, because the land was not sold at the sales in 1820, but have been subsequently entered, under the entry laws. No. 14—the claimant never settled himself in the district of country for which those laws were made to apply. No. 15 is peculiarly circumstanced; William H. West, the claimant, bid off the lands at the sale of 1820 but was unable to pay the sum required by law; and rather than a forfeiture should be entered against him, he surrendered the land to a third person, without any advance, or any compensation for

his improvements, and in justice is entitled to remuneration; but he was the purchaser, and there my inquiry ceased.

In answer to the last requirements in the resolution, I can only state that the claimants have been put to much trouble and some expense in procuring testimony to establish their demands. At the time the improvements were made, the country was thinly populated; and immediately after the sales, the great influx of people and the rapid improvement of the country, in a short time removed the marks of the first improvers, and they were compelled to search for those who had encountered (with themselves) the privations incident to settling a new country, to furnish probable evidence to identify their claims. In many instances their proportion of the appropriation would not more than indemnify them for their trouble. If the legislature, in their discretion, should believe it just for the claimants to receive, in any manner, the residue of their claims as awarded, they can be furnished with the evidence of claim in any form the General Assembly, in their wisdom, may dictate. If there was merit in the claims as presented to the legislature in 1829 and '30, I presume they have not been impaired in the endeavor to ascertain the amounts.

I will take the liberty here to remark, in making the allowance to the Clerk of M'Minn Circuit Court, for the services rendered by him in the performance of the duties, as umpire imposed on me by the law, that the compensation was inadequate; but as it was to come out of the sum appropriated for the benefit of the improvers, I did not feel myself justified in going beyond the sum allowed; presuming, if the subject were again legislated upon, they would do him justice.

I hope the foregoing statements will furnish the desired information, and as such they are submitted, with great respect, to the consideration of the General Assembly.

CHARLES F. KEITH.
Judge of the seventh judicial circuit.

October 21st, 1831.

Note.—I cannot inclose this report in an envelope without stating the situation of two claims, as furnished in the evidence, to wit: One of Isaac Johnston, of Roane county—the other of Howell White, of Monroe county. These claims were filed for all the improvments made on the quarters, described in the petitions.—The evidence showed that William Johnston had jointly made the improvements with the petitioner, and only a moiety was awarded to him. In the other case, the evidence showed that the petitioner was only entitled to one third of the improvements, and that was adjudged to him. If any thing should be done by the General Assembly, those cases require enactments.

CHARLES F. KEITH, Judge, &c.

A.

To the honorable CHARLES F. KEITH, *Judge of the seventh Judicial Circuit of the State of Tennessee.*

Your petitioner, Jacob Johnson, represents to your honor, that he settled upon the northwest quarter of section eighteenth, township fifth, range first, west of the meridian, in the Hiwassee District; that said land was surveyed by the surveyor general of said district previous to the land sales in 1820; that no *special act* has heretofore passed in his favor for the labor and improvements set forth in this petition, and that he has not received a full, or any, compensation from the purchaser for said labor and improvements; that said labor and improvements, stated in this petition, were made *bona fide* for himself after the first day of January, 1818, and before the land sale in 1820; that your petitioner made the following improvements on said quarter, to wit:

Built one house, 18 by 20 feet, covered with boards, floor of puncheons, logs hewed on the inside. One smoke-house of split logs, ten feet square, also, one stable, 12 by 18 feet, covered with boards. Cleared on said quarter, two acres of land—made and put up 1200 rails.

Your petitioner also made the following improvements on the south-west quarter, section seventh, township fifth, range first, west of the meridian, to wit: Cleared twenty-eight and a half acres of land, timbered as upland is usually in the district, enclosed with a fence 6 or 7 rails high—made and put up on said quarter 6000 rails.

1 House, supposed to be worth	$20 00
" Smoke-house,	5 00
" Stable,	10 00
30½ acres of land, worth $2 50 per acre,	76 50
7200 rails, worth 75 cents per 100,	54 00
	$165 50

STATE OF TENNESSEE, *M'Minn County.* } This day personally appeared Jacob Johnson before me, Charles F. Keith, Judge of the seventh Judicial Circuit of the State of Tennessee, and made oath, that the facts set forth in the foregoing petition are true, to the best of his knowledge.

JACOB JOHNSON.

Subscribed and sworn to before me, this first day of March, 1830.

CHARLES F. KEITH, Judge.

Endorsed "No. 2," Jacob Johnson's petition, filed "March 1st, 1830."

Copy of the Docket.

"No. 2—Jacob Johnson,	Petition filed March 1st, 1831. N. East quarter, section 5th, Range 1st, West. This claim is valid for $129; a certificate issued for $64 24

Copy of Testimony, as recorded.

No. 2—Jacob Johnson |

Reuben Casada, a witness introduced by petitioner, and sworn, stated that the petitioner settled on the land in 1820, in the winter.

A. C. Robison, a witness sworn; proved the quarter settled on and the one stated in the petition, to be the same—saw the petitioner on it in 1820—supposes the house to be 20 by 22 feet, and worth $20 00

Stable worth	6 00
Smoke-house worth	4 00
30 acres of land cleared on the second quarter, worth two dollars per acre,	60 00
3950 rails, worth one dollar per hundred,	39 50

The land was bought at the land sale by Alexander C. Robison; the petitioner received no compensation for his labor and improvements.

R. Casada, the first witness, concurred as to the value of the improvements.

Copy of receipt.

No. 2. $64 24

Received of the State of Tennessee, by the hands of Charles F. Keith, a certificate for the sum of sixty-four dollars and twenty-four cents, payable as directed by an act of the General Assembly, passed the 13th day of January, 1830; which is in full satisfaction and discharge of all claims I have against the State for labor done and improvements made in the Hiwassee District after the 1st day of January, 1818, and before the land sales of 1820. Given under my hand, this 9th day of February, 1831.

JACOB JOHNSON.

Test: SAMUEL M. GANTT.

No. 2. $64 24

I certify there is due from the State of Tennessee to Jacob Johnson the sum of sixty-four dollars and twenty-four cents, adjudged to him for his labor done and improvements made in the Hiwassee District after the 1st day of January, 1818, and before the land sale in 1820, to be paid as directed by an act of the General Assembly, passed the 13th day of January, 1830; that being the amount of his proportion of the $6000 appropriated by said

act for that purpose. Given under my hand, this 14th day of January, 1831.

CHARLES F. KEITH, Judge, &c.

There were 208 petitions filed, of which 193 were adjudged valid, amounting to $11,742

Sum appropriated,	$6000	
Clerk allowed	150	
Amount to be divided,	5,850	5,850
Valid claims unsatisfied,		5,692

B.

Fifteen claims were adjudged invalid. The names of the petitioners and the amount claimed by each, according to the mode of calculation adopted in the adjudication of said claims, are as follows:

	$ cts.		$ ct.
1 Benjamin Bond,	94 00	9 Sarah Kelsoe,	433 00
2 David Pierce,	38 00	10 John Pierce,	39 00
3 George Colville,	101 00	11 Samuel Carson,	47 00
4 Lewis Carter,	60 00	12 Daniel Baine,	136 00
5 Micajah Carter,	58 00	13 John Doherty,	127 00
6 William Porter,	87 00	14 Samuel Utter,	67 00
7 Jeremian Read,	88 00	15 William H. West,	74 00
8 James Hawkins,	30 00		
	$556 00		923 00
			556 00
		Total,	$1,479 00

On motion of Mr. Greene, Ordered that twenty-five copies of the foregoing report be printed forthwith for the use of the Senate.

The Senate took up the report of Mr. Frey from the committee on Finance, relating to the bill to enable the citizens of Dickson county to erect a court house in said county, and for other purposes.

The committee having reported unfavorable upon the amendment of Mr. Anderson to enable the citizens of Anderson county, to build a jail, Mr. Anderson moved a nonconcurrence with part of the report of the committee, which motion was sustained, the amendment received and the bill after undergoing further amendments, in accordance with the report of the committee, was read a second time and passed.

A resolution heretofore submitted by Mr. McIver, appointing justices of the peace for the county of Tipton, was taken up, read and adopted.

Ordered that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A resolution heretofore submitted by Mr. Bradford directory to the cashier of the Bank of the State of Tennessee, was taken up, read and adopted.

Mr. Burford offered the following in lieu of the resolution offered by him on Thursday last, directory to the sub-committee on Banks.

Resolved, by the General Assembly of the State of Tennessee, That the sub-committee on Banks be directed to count all notes of a less denomination than five dollars, or so many thereof as be practicable, and when so counted and the amount entered upon the books of the Bank, said committee shall burn the same and report accordingly; and the rule requiring resolutions to lie one day on the table, being suspended, on motion of Mr. Burford, said resolution was adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A message from the House of Representatives by Mr. Campbell their Clerk.

MR. SPEAKER,

The House of Representatives concur with your resolution appointing justices of the peace for Giles county, in your resolution authorizing the keeper of the Penitentiary to admit visitors into the interior thereof according to his own discretion, and in your resolution directory to the President and Directors of the Bank of the State of Tennessee. The Speaker of the House of Representatives did this day sign an enrolled resolution appointing justices of the peace for the counties of Jackson and Claiborne.

And then he withdrew.

The Speaker of the Senate signed said resolution and ordered it to be deposited in the office of the Secretary of State.

On motion of Mr. Jetton,

Ordered, that the rule requiring the Senate to take up bills of a public nature in the forenoon, and bills of a private or local nature in the afternoon of each day be rescinded.

Mr. Jetton moved the Senate, to rescind the rule requiring the classification of bills, and requiring them to be taken up and acted upon according to their respective classes, which motion was lost.

Mr. Brabson submitted the following,

Resolved, That all bills relating to turnpike and rail roads, be considered as of a private nature, and the same shall not be acted on in the forenoon of each day; and that all bills for an appropriation of money out of the State treasuries, be also considered of

a private nature, and the rule being suspended, said resolution was rejected.

Mr. Gillespy submitted the following,

Resolved, by the General Assembly of the State of Tennessee, That a joint select committee be appointed to consist of three, on the part of the Senate, to take into consideration the report of the Hon. Charles F. Keith, commissioner to adjudicate Hiwassee improvements.

And

Mr. McClellan the following,

Resolved, by the General Assembly of the State of Tennessee, That Richard Murrell be, and he is hereby appointed a justice of the peace in and for the county of Sullivan.

Mr. Gillespy introduced

A bill for the relief of Henry Matlock.

And

Mr. McIver,

A bill for the benefit of the purchasers of lots in the town of Somerville, which were severally read a first time and passed.

A bill providing for the leasing of lands which have been set apart for common schools and for the keeping of common English schools on the same, was read a third and last time, and the question being taken, "Shall the bill pass," it was determined in the affirmative. Ayes 15—Noes 4.

The ayes and noes being demanded by Mr. Wyly,

Those who voted in the affirmative are,

Mr. Speaker Douglass, Andrews, Brabson, Bradford, Davis, Field, Frey, Gillespy, Greene, Holman, Jetton, Lytle, Murray, Perkins, Polk—15.

The negative voters are,

Mr. Burford, McClellan, McIver, Wyly—4.

And so said bill passed its third and last reading in both houses, and was ordered to be enrolled.

Mr. Jetton returned without amendment

A bill to incorporate the Franklin rail road company, said bill was read a second time and passed.

Mr. Polk from the committee on enrollments, reported as correctly enrolled,

A resolution appointing justices of the peace for Giles county, said resolution was then signed by the Speaker and ordered to be transmitted to the House of Representatives.

Mr. Holman returned with an amendment,

A bill to authorize James McKinley and Lewis Fletcher to open a turnpike road, said amendment was received, the bill read as amended a second time and passed.

Mr. Anderson returned with an amendment,

A bill to authorize appeals in cases of fine for contempt, which was laid upon the table on motion of Mr. Anderson.

The Senate took up on its third and last reading in both houses a bill to appropriate the school lands in the Hiwassee district to the use schools for the instruction of children therein, and after some time spent in discussing the provisions of the same, the Senate adjourned until Monday morning 9 o'clock.

MONDAY MORNING, OCTOBER 31, 1831.

Mr. McClellan presented the petition of Jacob Sampson asking the privilege to hawk and peddle without obtaining license therefor, which was referred on motion of Mr. McClellan to the committee on propositions and grievances.

Mr. Burford presented the petition of sundry citizens residing between the two Kentucky lines; Mr. Burford moved that so much of said petition as relates to claimants of lands entered under the authority of this State, at 12½ and one cent per acre, be referred to the committee on the boundary line between the States of Kentucky and Tennessee. That so much thereof as relates to the Judiciary be referred to the committee on that subject, and that so much thereof as requires the reduction of the salaries of the governor, judges and other officers, and to the reduction of the pay of the members of the Legislature and their officers, be referred to the committee on retrenchment, all of which references were ordered to be made.

Mr. Davis presented the petition of John Watson and others, citizens of Hardin county, praying a preference of an entry for a Methodist church.

Said petition was referred, on motion of Mr. Davis, to the committee on land claims.

Mr. Murray presented the petition of sundry citizens of Gibson county praying that the act of 1825, declaring the North Fork of the Forked Deer river navigable from its mouth to Page's Mill, in Gibson county, be continued in force and effect; which was referred, on motion of Mr. Murray, to the committee on internal improvements in the Western District.

A resolution submitted on Saturday last by Mr. M'Clellan, appointing Richard Murrel a Justice of the Peace for Sullivan county; and a resolution submitted at the same time by Mr. Gillepy appointing a joint select committee on the report of the Hon. Charles F. Keith commissioner to adjudicate Hiwassee improvements; were taken up, severally read and adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Murray introduced

A bill for the benefit of Hugh Dunlap; which was referred, on motion of Mr. Murray, to the committee on land claims.

Mr. Perkins returned

A bill for the relief of Nimrod Dodson.

Mr. Davis moved to lay said bill on the table until the 1st day of January next.

Said motion prevailed.

Mr. Greene submitted the following:

Resolved, That a select committee be appointed on new counties and county lines. And the rule being suspended, said resolution was adopted.

The Speaker appointed Mr. Greene, Perkins, Bradford, Murray and Holman said committee.

Mr. Murray returned

A bill to authorise a lottery for the continuation of Union street in the city of Nashville, with an amendment prohibiting the introduction and sale of tickets in said lottery, in the counties of Henry, Carroll, Weakly, Dyer, Obion and Gibson.

Said amendment was received, and the bill being upon its third and last reading in both Houses, it was ordered that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

On motion of Mr. Gillespy, the Senate took up

A bill to appropriate the school lands in the Hiwassee District to the use of schools for the instruction of children therein.

Mr. Murray moved to amend said bill by inserting in the 10th section thereof the words "or agents" immediately after the words "school lands."

And thereupon the question was had, "Will the Senate make said amendment?" and determined in the affirmative—ayes 12—noes 8.

The ayes and noes being demanded constitutionally by Mr. Gillespy,

The affirmative voters are,

Mr. Speaker Douglass, Anderson, Brabson, Burford, Davis, Frey, Jetton, M'Clellan, M'Iver, Murray, Polk, Wyly—12.

The negative voters are,

Mr. Andrews, Bradford, Field, Gillespy, Greene, Holman, Lytle, Perkins—8.

And so said amendment was received.

Ordered that the clerk do by message acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Perkins returned

A bill to establish the county of De Kalb in this State.

Said bill was read, and referred, on motion of Mr. Murray, to the committee on new counties and county lines.

Mr. Burford returned with Mr. M'Clellan's amendment in lieu of the whole from the preamble,

A bill to secure and provide for the collection of the legitimate revenue of this State.

Said amendment being amended,

On motion of Mr. Gillespy, the question was submitted, "Will the Senate receive said amendment?" and determined in the affirmative—ayes 15, noes 4.

The ayes and noes being demanded constitutionally by Mr. Greene,

The affirmative voters are,

Mr. Speaker Douglass, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Field, Frey, Gillespy, Jetton, M'Clellan, M'Iver, Perkins, Polk, Wyly—15.

The negative voters are,

Mr. Greene, Holman, Lytle, Murray—4.

And so said amendment was received.

Mr. Anderson then moved to strike from the said bill the preamble thereof, which motion was sustained. Ayes 14, noes 5.

The ayes and noes being demanded constitutionally by Mr. Greene,

The affirmative voters are,

Mr. Speaker Douglass, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Field, Frey, M'Clellan, M'Iver, Murray, Perkins, Polk, Wyly—15.

The negative voters are,

Mr. Gillespy, Greene, Holman, Jetton, Lytle—5.

And so said preamble was stricken out.

The bill was then read a third time as amended,

And the question thereon being had, "Shall the bill pass?" it was determined in the affirmative—ayes 14, noes 5.

The ayes and noes being demanded constitutionally by Mr. Greene,

The affirmative voters are,

Mr. Speaker Douglass, Anderson, Andrews, Brabson, Burford, Field, Frey, Gillespy, Greene, Lytle, M'Clellan, M'Iver, Polk, Wyly—14.

The negative voters are,

Mr. Bradford, Davis, Holman, Jetton, Murray—5.

And so said bill passed its third reading.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives non-concur with your resolution directory to the sub-committee on banks. They concur with your resolution appointing Justices of the Peace for Tipton county. They have adopted resolutions appointing Jus-

tices of the Peace for the counties of Wilson, Weakly, Hawkins, Robertson and Maury, in which they ask the concurrence of the Senate.

The Senate concurred in the foregoing resolutions, and ordered the clerk to acquaint the House of Representatives therewith.

The House of Representatives have adopted a resolution appointing Justices of the Peace for the counties of Hamilton and M'Nairy, in which they also ask the concurrence of the Senate And then he withdrew.

The Senate non-concurred with that part of said resolution appointing Justices of the Peace for M'Nairy county, and ordered to the table that part appointing a Justice of the Peace for Hamilton county.

Mr. Gillespy introduced

A bill to establish a precinct at which to hold elections in the county of M'Minn.

Mr. Burford,

A bill to close the affairs of the Bank of the State of Tennessee to appropriate the funds therein, and for other purposes.

Mr. Holman,

A bill for the relief of Joseph Herd of White county.

Mr. Andrews,

A bill directory to the Register of the Western District in this State.

Mr. Burford,

A bill to explain and amend an act passed December 7th, 1829, chapter 29, more effectually to provide for emancipating slaves. And

Mr. Frey,

A bill to amend the revenue laws of this State. All of which were severally read a first time and passed.

Mr. Polk from the committee of enrolments, reported as correctly enrolled,

An act providing for the leasing of lands set apart for common schools, and for the keeping of common English schools on the same in Middle Tennessee. And

A resolution appointing Justices of the Peace for the county of Davidson.

Said enrolled act and resolution were signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

A bill to amend an act entitled an act to authorise Wm. Reynolds, of the county of Greene, to open and establish a turnpike road across Paint mountain, passed December 6th, 1825, was, on motion of Mr. Wyly, ordered to lie on the table.

A bill to reduce the fees on marriage license.

A bill for the relief of the occupants south and west of the congressional reservation line, and for other purposes. And

A bill to establish a new regiment in the county of Haywood, and for other purposes, were severally read the third and last time in both Houses, passed and ordered to be enrolled.

On motion of Mr. Gillespy the Senate took up

A bill to establish and incorporate three boards of internal improvement in this State, and made it the order of the day for to-morrow.

The Senate took up on its third reading,

A bill to authorise Justices of the Peace to take bail in certain cases.

Mr. Field offered an amendment thereto, which was received.

Mr. Murray then withdrew and returned the same with an amendment, proposing to strike out the words "any two acting justices of the Peace resident in the county where the accused has" for the purpose of inserting in lieu thereof the words "for the Justice or Justices before whom any person or persons has."

And thereupon the question was submitted, "Will the Senate make said amendment?" and determined in the negative—ayes 8. noes 11.

The ayes and noes being constitutionally demanded,

Those who voted in the affirmative are,

Mr. Speaker Douglass, Andrews, Brabson, Bradford, Holman, Jetton, Murray, Perkins, 8.

The negative voters are,

Mr. Anderson, Burford, Davis, Field, Frey, Gillespy, Greene, Lytle, M'Clellan, Polk, Wyly, 11.

And so said amendment was rejected.

Mr. Gillespy then offered an amendment thereto.

And the Senate adjourned until tomorrow morning 9 o'clock.

TUESDAY MORNING, NOVEMBER 1st, 1831.

Mr. Murray presented the petition of sundry citizens of Weakly county, asking aid to enable them to make a road, from Dresden in said county of Weakly, in a direction to Mill's Point on the Mississippi river; which was referred, on motion of Mr. Murray, to the committee on internal improvement in the Western District.

Mr. Murray also presented the report of Hugh W. Dunlap, Chairman of the board of common school commissioners for the county of Henry: which was referred, on motion of Mr Murray, to the committee on Education and common schools.

Mr. M'Iver presented the petition of Wm. Crane, a citizen of

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Hardeman county, praying to be released from a part of the costs of a judgment recovered against him in relation to merchants' license: which was referred, on motion of Mr. M'Iver to the committee on propositions and grievances.

Mr. M'Iver also presented the resignation of John Robinson, a Justice of the Peace for Tipton county; which was read and accepted.

Mr. Gillespy presented the remonstrance of Miller Isbel, and others, against the appointment of Thomas White as a Justice of the Peace for Monroe county; which was referred, on motion of Mr. Gillespy, to the committee on captains' companies and Justices of the Peace.

Mr. Gillespy introduced

A bill to provide for the appointment of county surveyors for the counties of Monroe and M'Minn. And

Mr. Holman,

A bill to appoint solicitors general for each county in this State; which were severally read a first time and passed.

On motion of Mr. Wyly, the Senate took up and read

A bill to authorise Justices of the Peace to take bail in certain cases.

The amendment offered thereto on yesterday by Mr. Gillespy, was read and rejected.

Mr. Bradford moved to strike from the bill the words "for any two acting Justices of the Peace," and insert in lieu thereof the words "for the committing magistrate or magistrates or the sheriff of the county."

Mr. Holman offered the following in lieu of the amendment proposed by My. Bradford, that, hereafter in all criminal prosecutions, where the examining magistrates shall commit the defendant to jail in bailable cases, for the want of sufficient bail being offered by the defendant, it shall be the duty of such examining magistrates to send with the officer who conducts said criminal to jail, to the jailer of the county wherein he may be committed, a mittimus to said jailer, stating the nature and cause of the offence with which the defendant is charged, and the sum in which he and his securities are required to be bound for the defendant's appearance at the court to which he is bound. And it shall be the duty of the sheriff, by himself or deputy jailer, to take such bail at any time before the arrival of the court to which the accused is bound to appear.

And thereupon the question was had, "Will the Senate receive said amendment?" and determined in the negative. Ayes 4, noes 16.

The ayes and noes being demanded constitutionally by Mr. Anderson,

Those who voted in the affirmative are,

Mr. Gillespy. Holman, Jetton, Lytle, 4.

The negative voters are,

Mr. Speaker Douglass, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Field, Frey, Greene, M'Clellan, M'Iver, Murray, Perkins, Polk, Wyly, 16.

And so said amendment was rejected.

The question then recurred upon the amendment proposed by Mr. Bradford. And the sense of the Senate being thereupon had, it was determined in favor of said amendment.

The bill was then read as amended a third time and passed.

Mr. Gillespy submitted the following:

Resolved, by the General Assembly of the State of Tennessee, that grant No. 214, issued by the State of North Carolina to Caleb Carter. be referred to the Secretary of State for adjudication; and if it shall be made satisfactorily to appear to said commssioner that said grant issued upon a good and valid warrant, and has been issued for lands lying south of French Broad and Holston, he shall issue a certificate for the quantity of land contained in said grant to John McGhee, provided he make proof that he has the equitable right to the same.

A message from the House of Representatives by Mr. Campbell their clerk.

Mr. SPEAKER,

The House of Representatives are now ready to go into the election set apart for this day. And then he withdrew.

Whereupon the Speaker and gentlemen, members of the Senate, repaired to the hall of the House of Representatives, and two branches of the General Assembly proceeded by joint ballot to the election of an attorney general for the 12th solicitorial district of this State; and on collecting and counting the ballots on the 5th balloting, Alexander M. Hardin was duly and constitutionally elected attorney general for said district.

And thereupon the Speaker and gentlemen of the Senate returned to their own chamber.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives non-concur with the amendment proposed by the Senate to "A bill to appropriate the school lands in the Hiwassee District to the use of schools for the instruction of children therein. And then he withdrew.

Mr. Murray moved the Senate to send an insisting message to the House of Representatives, in relation to said amendment; which motion was lost.

The bill was then put upon its passage,

And the question thereon being had, "Shall the bill pass?" it was determined in the affirmative—ayes 12—noes 8.

The ayes and noes being called for constitutionally by Mr. Wyly,

The affirmative voters are,

Mr. Speaker Douglass, Andrews, Bradford, Field, Frey, Gillespy, Greene, Holman, Jetton, Lytle, Perkins, Polk—12.

The negative voters are,

Mr. Anderson, Brabson, Burford, Davis, M'Clellan, M'Iver, Murray, Wyly—8.

And so said bill passed its third and last reading in both Houses, and was ordered to be enrolled.

Mr. Greene introduced

A bill for the relief of John Kelly, of Marion county.

Mr. M'Iver,

A bill to amend an act passed at Nashville at the 18th General Assembly, to incorporate the Hatchee turnpike company. And

Mr. Holman,

A bill to appoint Trustees of Mount Cumberland Academy, of Fentress county; all of which were severally read a first time and passed.

A bill for the benefit of Jesse Savage.

A bill to enable the citizens of Dickson county to build a court house in said county, and for other purposes. And

A bill to amend an act entitled an act to authorise Wm. Reynolds of the county of Greene, to open and establish a turnpike road across Paint Mountain, passed December 6th, 1825, were severally read a third and last time in both Houses, passed and ordered to be enrolled.

Mr Brabson withdrew for amendment,

A bill for the benefit of Nathaniel B Butler.

The Senate took up the bill (set apart for this day) to establish three boards of internal improvement in this State. And after some time spent in its discussion, the Senate adjourned until tomorrow morning 9 o'clock.

WEDNESDAY NOVEMBER 2nd, 1831.

Mr. Holman presented the petition of Joseph Herd, coroner of White county, and asked its reference to the committee on claims.

Mr. Brabson presented the petition of sundry citizens of Claiborne county, asking for a law to be passed allowing Justices of the Peace compensation for their services; which was referred, on motion of Mr. Brabson, to the committee on the Judiciary.

Mr. Holman from the committee on the Penitentiary, to whom was referred a bill with an amendment, to repeal part of an act entitled an act to reform and amend the penal laws of the State of Tennessee, passed the 9th of December, 1829, reported that the committee have had the same under consideration, think their provisions unreasonable, and had instructed him to recommend their rejection.

Your committee beg leave further to report, that the law which said bills proposes to repeal, provides that no person shall unlawfully and maliciously put out an eye, slit, cut off, or bite off, the nose, ear or lip, of another, or any part or either of them, whereby any person shall be maimed, or disfigured.—That no person shall unlawfully and maliciously cut off, or disable the hand, arm, leg or foot of another, or any part or either of them, whereby the person so injured shall lose the proper use of any of those members,—That whoever shall commit any of the offences herein enumerated, shall undergo confinement in the Jail and Penitentiary House for a period not less than two, nor more than ten, years.

Your committee believe that the law which this bill proposes to repeal, constitutes a very important part of our penal code, and one which is highly necessary to the safety and well being of civil society. They are of opinion that cases of hardship will be very rare, growing out of the operations of this law, for all offenders are excused from the operation of the Statute, where the offence is committed in self-defence, or without malice aforethought, so that none are punished for the commission of the offences, proposed to be repealed by said bill, but those who with malice aforethought commit such offences. And your committee are of opinion that those offenders, (who with malice aforethought) bite off their neighbors' ears, or nose, ought not to be viewed as light offenders of the laws of their country. They believe that a jury of the country will seldom, if ever, convict a man charged with the commission of any such offences, unless he deserves severe punishment.

Your committee further beg leave to report, that pursuant to the instructions of the Senate, they have gone into a critical examination of the criminal code of last session. They have examined with much care and attention the several offences therein enumerated, and the punishment annexed to the commission of each, and are unanimously of the opinion that it would be impolitic at this time to make any alterations in that code. They are aware that objections are raised to some parts of it, and are frank to admit that this code like all other human institutions, has its defects, but upon the whole think that this has fewer than any other part of our laws of the same length. They believe that frequent alterations in the penal laws, are productive of more evils to society than good; and are fully persuaded that if our present

penal code be sufficient to remain unaltered a few years, society will come to acquiesce generally in its wholesome and salutary provisions, and that it will reflect honor on the Legislature of 1829 and 1830.

All of which is respectfully submitted.

JAMES T. HOLMAN, Chairman.

Said report, bill and amendment were, on motion of Mr. M'Clellan, ordered to lie on the table.

Mr. Greene from the joint select committee, appointed to count the votes given at the last general State elections, for and against a convention, reported that no returns have been received from the counties of Campbell, Dyer, Fentress, Giles, Hardeman, Hawkins, Haywood, Jackson, Lincoln, Marion, Obion, Overton, Davidson, Robertson, Shelby, Tipton, Washington and Wilson, and that in the counties from which returns have been received on that subject, a list of which is herewith submitted, there appears to have been forty-four thousand three hundred and ninety-six votes polled for Representatives in the General Assembly, and twenty-eight thousand nine hundred and thirty-eight for the call of a convention, which is respectfully submitted.

JAMES I. GREENE, Chairman.

Said subject and report was on motion of Mr. Davis recommitted to the committee for further investigation.

Mr. Polk from the committee on enrolments, reported as correctly enrolled, a bill to appropriate the school lands in the Hiwassee district, to the use of schools, for the instruction of children therein, and a resolution appointing a justice of the peace for Sullivan county. Said enrolled bill and resolution were signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

A resolution submitted on yesterday by Mr. Gillespy, relating to Grant No. 214, and directory to the Secretary of State, was taken up read and referred to the committee on land claims.

Mr. Bradford submitted the following,

Resolved, That a joint committee be appointed to ascertain the amount of academy money chargeable to the State Bank, including principal and interest, and that they apportion the amount among the different counties, and that the same be paid by the cashier to the trustees of the different academies accordingly.

Mr. Jetton introduced

A bill for the benefit of Burwell Carter.

Mr. McIver,

A bill to establish the 124th Regiment of Tennessee militia in this State. And

Mr. Murray,

A bill to authorize the commissioners of the Western district turnpike road to rescind the contract existing between said com-

missioners and John Thomas, jun'r., and for other purposes, all of which were severally read a first time and passed.

Mr. Bradford submitted the following, *

Resolved, That the Speaker of the Senate, do hereafter, when the hour arrives to which the court of impeachment may have adjourned, announce the same, and invite the President thereof to to the chair, and the rule being suspended, said resolution was adopted.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of House of Representatives, did this day sign an enrolled resolution appointing justices of the peace for the counties of Wilson, Weakly, Hawkins, Robertson, and Maury. And then he withdrew.

The Speaker of the Senate signed said enrolled resolution and ordered it to be deposited in the office of the Secretary of State.

Mr. Greene moved the Senate to take up the bills establishing separate boards of internal improvement in this State, together with the report of the committee on that subject, which were laid upon the table on yesterday, and made the order of the day for this day, which motion was sustained. Ayes 12—Noes 8.

The ayes and noes being demanded constitutionally by Mr. Greene,

The affirmative voters are,

Mr. Speaker Douglass, Anderson, Brabson, Frey, Gillespy, Greene, Jetton, Lytle, McClellan, M'Iver, Murray, Perkins—12.

The negative voters are,

Mr. Andrews, Bradford, Burford, Davis, Field, Holman, Polk, Wyly—8.

And so said motion prevailed.

The bill reported by the committee in lieu of the bills to them referred, to establish and incorporate three boards of Internal Improvement in this State, was read.—Said bill provided that, there should be three boards of internal improvement established in the State; one for East, one for Middle, and one for West Tennessee, and that each board should consist of three commissioners to be appointed by joint ballot of both houses of the General Assembly, and that said boards should act separately and independently of each other, and that they should respectively manage, control and apply the internal improvement fund in the manner set apart and made to the three several divisions of this State, by an act passed at the 18th General Assembly, entitled an act for the improving the navigable rivers and other objects of improvement in this State, requiring, however, that the whole of the sixty thousand dollars, allotted to East Tennessee, should be expended in removing obstructions to navigation in the Tennessee and Holston

rivers and their tributaries, and giving to said boards respectively all the rights, powers and privileges usually vested in corporations, subjecting them nevertheless, to the further control and management of the Legislature. Said bill authorized the President of said board, (a majority of the commissioners concurring therein) to draw on the cashier of the bank of the State of Tennessee at Nashville, and on the cashier of the branch Bank at Knoxville for such portion of the sums to the several decisions allotted, as to them might seem requisite to the successful prosecution and speedy completion of such contracts as might be entered into, allowing said commissioners two dollars each, per day for their services, and two for every twenty-five miles travelling to and returning from the place of their meeting; and requiring said commissioners to be elected every two years.

To which Mr. Bradford offered the following amendment,(towit:)

Be it enacted, that it shall not be lawful for the cashiers of the Bank of the State at Nashville and Knoxville to pay any portion of the money, hereby directed to be paid to said boards of commissioners unless they are satisfied, that by so doing, the money set a part for common schools will not be interferred with lessened or reduced.

And the question of acceptance being had, and the ayes and noes being taken thereon, the Senate were unanimous in favor of said amendment.

Mr. Greene offered an amendment in lieu of the whole bill, as reported by the committee, and in lieu of those to them referred, which being objected to by Mr. Field on the ground that the bills referred had not been read, Mr. Greene withdrew his amendment.

Mr. Holman then moved the Senate to adjourn until the usual hour, and the question thereon being taken it was determined against said motion. Ayes 9—Noes 11.

The ayes and noes being demanded constitutionally by Mr. Greene,

Those who voted in favor of said motion are,

Mr. Anderson, Andrews, Bradford, Davis, Field, Holman, Jetton, Perkins, Polk—9.

Those voted against said motion are,

Mr. Speaker Douglass, Brabson, Burford, Frey, Gillespy, Greene, Lytle, M'Clellan, McIver, Murray, Wyly—11.

And so said motion was lost.

Mr. Holman moved to lay the bills and report upon the table, and the quetion thereon being taken it was determined in the negative. Ayes 6—Noes 14.

The ayes and noes being demanded by Mr. Davis, those who voted in the affirmative are,

Mr. Andrews, Bradford, Davis, Holman, McIver, Perkins— 6.

Those who voted in the negative are,

Mr. Speaker Douglass, Anderson, Brabson, Burford, Field, Frey Gillespy, Greene, Jetton, Lytle, M'Clellan, Murray, Polk, Wyly—14.

And so said motion was overruled.

Mr. Murray moved to strike from the bill reported by the committee, all and every part thereof that related to the Western District, and to the appropriation made to that section; which motion was sustained.

Mr. Holman moved to strike out all that part relating to Middle Tennessee.

And the question thereon being had, it was determined in favor of said motion. Ayes 14, noes 6.

The ayes and noes being demanded,

The affirmative voters are,

Mr. Speaker, Andrews, Burford, Davis, Field, Frey, Gillespy, Greene, Holman, M'Clellan, M'Iver, Murray, Polk, Wyly—14.

The negative voters are,

Mr. Anderson, Brabson, Bradford, Jetton, Lytle, Perkins—6.

And so said motion prevailed.

Mr. Greene then offered in lieu of the whole,

A bill to establish and incorporate a board of internal improvement in that part of the State east of Cumberland mountain; which being amended, on motion of Mr. Burford, the question was thereupon had, "Will the Senate receive said bill in lieu of the whole?" it was determined in the affirmative—Ayes 17, Noes 2.

The ayes and noes being demanded by Mr. Greene,

The affirmative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Burford, Davis, Frey, Gillespy, Greene, Holman, Jetton, Lytle, M'Clellan, M'Iver, Murray, Perkins, Wyly—17.

The negative voters are,

Mr. Bradford, Field—2.

And so said bill was received in lieu of the whole.

Mr. Murray then offered the following additional section as an amendment thereto.

Be it enacted that the sum of thirty thousand dollars heretofore appropriated for the Western District by act of Assembly of 1830, chapter 75, be, and the same shall be paid over to such board or boards of internal improvement commissioners as may be provided for during the present session of the Legislature, under the same rules and regulations as govern the board of internal improvement commissioners for East Tennessee as herein provided for, in drawing the amount set apart for that section for the purposes of internal improvement. Which sum of thirty thousand dollars shall be equally divided among the several counties lying west of Tennessee river.

Which said amendment was received.

Mr. Bradford offered the following amendment thereto:

Be it enacted that such portion of money allotted to Middle Tennessee by the act of 1829 be paid over by the cashier of the State Bank to the county Trustees, of each of the counties therein contained, according to the census of free white population, recently made under the authority of an act of Congress to be appropriated by the respective county courts for internal improvements.

And the question thereon being had, "Will the Senate receive said amendment?" it was determined in the negative—ayes 2, noes 17.

The ayes and noes being demanded,

The affirmative voters are,

Mr. Bradford, Davis—2.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Burford, Field, Frey, Gillespy, Greene, Jetton, Lytle, M'Clellan, M'Iver, Murray, Perkins, Polk, Wyly—17.

And so said amendment was rejected.

Mr. Perkins then moved the Senate to adjourn; and the question thereon being taken, it was determined against said motion, ayes 3, noes 16.

The affirmative voters are,

Mr. Speaker, Jetton, Perkins—3.

Negative;

Mr. Anderson, Andrews, Brabson, Bradford, Burford, Davis, Field, Frey, Gillespy, Greene, Lytle, M'Clellan, M'Iver, Murray, Polk, Wyly—16.

And so said motion was rejected.

The bill was then put upon its passage,

And the question thereon being had, "Shall the bill pass?" it was determined in the affirmative—ayes 16, noes 2.

The ayes and noes being demanded constitutionally by Mr. Greene,

The affirmative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Burford, Davis, Frey, Gillespy, Greene, Lytle, M'Clellan, M'Iver, Murray, Perkins, Polk, Wyly—16.

The negative voters are,

Mr. Bradford, Field—2.

And so said bill passed its second reading.

THURSDAY MORNING, NOVEMBER 3rd, 1831.

Mr. Greene presented the petition of Robert Burke, jr. for au-

thority to open a turnpike road; which was referred, on motion of Mr. Greene, to the committee on internal improvement.

Mr. Greene also presented the petition of sundry citizens of Hamilton, Bledsoe and Marion counties, praying that compensation be allowed to John C. Haley and son, for work done in removing obstructions to navigation in Tennessee river; which was referred, on motion of Mr. Greene, to the committee on internal improvement.

Mr. Andrews presented the petition of sundry citizens of Perry county, praying that a preference be given to the Methodist Episcopal Church in said county to enter ten acres of land.

And introduced

A bill for the benefit of the Methodist Episcopal Church in Perry county.

Said petition and bill were referred, on motion of Mr. Andrews, to the committee on claims.

Mr. Gillespy presented the petition of Henry Matlock; which was laid on the table on motion of Mr. Gillespy.

Mr. Polk from the committee of enrolments, reported as correctly enrolled,

A bill for the relief of occupants south and west of the congressional reservation line, and for other purposes.

The Speaker of the Senate signed said enrolled bill, and ordered it to be transmitted to the House of Representatives.

The resolution submitted on yesterday by Mr. Bradford, appointing a joint committee to ascertain the amount of Academy money chargeable to the State Bank, and for other purposes, was taken up and adopted.

The Speaker appointed Messrs. Bradford, Burford and Brabson said committee on the part of the Senate.

A bill making compensation to certain enterers and grantees of land between the two Kentucky lines, was taken up on its third and last reading in both Houses, read and passed with an order to be enrolled.

The Senate then adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, NOVEMBER 4th, 1831.

Mr. Gillespy presented the report of the clerk of the circuit court of M'Minn county, shewing the number of suits docketed in said court, from April term, 1826, to October term, 1830; which was referred, on motion of Mr. Gillespy, to the committee on the Judiciary.

Mr. Greene presented the petition of sundry citizens of Marion

county, praying that the laws be extended over the Cherokee Indians within the chartered limits of this State.

Said petition was, on motion of Mr. Greene, laid on the table.

Mr. Murray asked leave to withdraw the petitions from citizens of Haywood county, referred by him to the committee on captains' companies and Justices of the Peace.

Leave being granted, said petitions were, on motion of Mr. Murray, laid upon the table.

Mr. Field moved that the committee on captains' companies and Justices of the Peace be discharged from the further consideration of all petitions referred to them; which motion was sustained.

Mr. Jetton moved that such petitions as have not been acted upon by said committee, be transmitted to the House of Representatives.

The motion was sustained, and the clerk ordered to transmit the said petitions accordingly.

A bill for the relief of George W. Churchwell and others, was taken up, and on motion of Mr. Davis, referred to the committee on claims.

Mr. Gillespy introduced

A bill for the relief of Jeremiah Frazier.

Said bill was read the first time and passed.

Mr. Greene submitted the following:

Resolved, That a joint select committee of both Houses be appointed to take into consideration the expediency of extending the civil jurisdiction of this State over the Cherokee Indians within the chartered limits thereof; and that they report thereon by bill or otherwise.

The rule being suspended on motion of Mr. Greene, the resolution was adopted.

The Speaker appointed Messrs. Greene, Frey, Lytle and Wyly, said committee on the part of the Senate.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution to go into the election of a chancellor for the Western division, on the 4th instant. And then he withdrew.

The Senate non-concurred with said resolution, and ordered the clerk to acquaint the House therewith.

The Senate then adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, NOVEMBER 5th, 1831.

Mr. Murray presented the petition of Thomas Ross for a di-

vorce; which was referred, on motion of Mr. Murray, to the committee on divorces.

Mr. Murray presented the depositions of Lawrence L. Cook, Wm. King, Thomas L. Daniel and Blake Barfield, in relation to the case of Sarah Griffin; which were also referred to the committee on divorces.

Mr. Murray presented the petition of sundry citizens of Carroll county, praying that Wm. W. Foreman and Thomas J. N. Bridges be appoin ed Justices of said county.

Similar petitions from citizens of said county, praying the appointment of John Stewart, Samuel Benton and John K. Clarke, Justices of the Peace therefor.

And the certificate of Richard Greene, certifying to the election of William Elmore as a Justice of the Peace for Carroll county.

Said petitions and certificate were, on motion of Mr. Murray, referred to the committee on captains' companies and Justices of the Peace.

Mr. Murray introduced

A bill for the benefit of Robert Jetton and others. And

A bill to amend an act entitled an act to establish turnpike bridges in the Western District. And

Mr. Frey,

A bill to regulate the proceedings of courts of Justice in certain cases.

Said bills were severally read the first time and passed.

Mr. Brabson returned with an amendment,

A bill for the benefit of Nathaniel B. Butler; which, together with the amendment, were, on motion of Mr. Brabson, laid upon the table.

A bill to authorize a lottery for the continuation of Union street in the city of Nashville, was taken up on its third and last reading in both houses, passed and ordered to be enrolled.

The yeas and nays being constitutionally demanded by Mr. Murray.

The affirmative voters are

Mr. Speaker Douglass, Anderson, Andrews, Brabson, Bradford, Field, Gillespy, Greene, Holman, Lytle, M'Iver, Polk and Wyly—13.

The negative voters are

Mr. Davis, Frey, Jetton, McClellan and Murray—5.

And so said bill passed its third and last reading.

Mr. Davis introduced

A bill for the benefit of Nathan Jobe, which was read the first time and passed.

Mr. Andrews submitted the following,

Resolved, That this Senate meet regularly at 8 o'clock in the forenoon on each day.

Mr. Greene the following,

Resolved, That no bill shall be introduced into this House after the 15th day of this inst. during the present session of this General Assembly, except through the regular committees on subjects that are or may be referred to them.

And

Mr. Murray the following

Resolved, by the General Ascembly of the State of Tennessee, That Nathan L. Norvelle, Moses T. Span and James Bourland be, and they are hereby appointed justices of the peace for Weakly county.

A message from the House of Representatives by Mr. Campbell their Clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution appoining justices of the peace for the counties of Carter, Montgomery and Stewart, in which they ask the concurrence of this House.

And then he withdrew.

The Senate concurred with said resolution, and ordered the clerk to acquaint the House of Representatives therewith.

The Senate took up on its third and last reading,

A bill to incorporate the Franklin Rail Road company.

Mr. Field proposed an amendment to the ninth section by adding thereto the words "or to the public," which was received.

Mr. Gillespy and Mr. Field offered additional amendments, which together with the bill were on motion of Mr. Gillespy laid upon the table.

On motion of Mr. Gillespy,

Ordered, That the rule of the Senate requiring bills upon their third reading to be first taken up and acted upon, be rescinded.

Received from the House of Representatives.

A bill to extend the time allowed by law for the erection of certain turnpikes and bridges in the Western district.

A bill to suppress the passing of Treasury notes and change tickets.

A bill to alter the time of holding musters in the 112th regiment of Tennessee militia.

A bill for the benefit of Montgomery Bell.

A bill to authorize Elijah Anthony of Giles county to build a mill.

A bill for the benefit of Elizabeth C. Bell. And

A bill the relief of those persons who are about to be injured by the loss of papers, records, &c. by the hurricane at Charlotte in 1830, all of which were severally read a first time and passed.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign an enrolled resolution appointing justices of the peace for the counties of Carter, Montgomery and Stewart. And then he withdrew.

Said Resolution was then signed by the Speaker of the Senate, and ordered to be deposited in the office of the Secretary of State.

Mr. Frey submitted the following,

Resolved, by the General Assembly of the State of Tennessee, That Mickins Carr be, and he is hereby appointed a justice of the peace in and for the county of Dickson.

Received from the House of Representatives.

A bill for the benefit of Aaron Lancaster of Hickman county, which was read, and the question thereon being had, "shall the bill pass?" it was determined in the affirmative—ayes 13—Noes 7

The ayes and noes being demanded constitutionaily by Mr. Bradford.

The affirmative voters are,

Mr. Speaker Douglass, Andrews, Brabson, Bradford, Davis, Frey, Gillespy, Greene, Jetton, Lytle, Murray, Perkins, Polk—13.

The negative voters are,

Mr. Anderson, Burford, Field, Holman, McClellan, McIver, Wyly—7.

And so said bill passed its first reading.

Mr. Holman returned with an amendment providing for the relief of Martha McIbry of White county, A bill for the benefit of Sally Martin—said amendment was recevied—the bill read as amended, and the question thereon being had, "shall the bill pass?" it was determined in the affirmative—ayes 15—noes 3.

The ayes and noes being domanded constitutionally by Mr. Field,

The affirmative votere are,

Mr. Speaker, Andrews, Brabson, Burford, Davis, Frey, Gillespy, Greene, Holman, Jetton, Lytle, McClellan, Murray, Perkins, Polk —15.

The negative voters,

Mr. Anderson, Field, McIver—3.

And so said bill passed its third reading.

A bill for the benefit of Nancy McClanathan.

A bill to amend an act entitled an act to compel the commissioners of the town of Lawrenceburgh to close their business and to appropriate the monies in their hands to county purposes, passed December 7th, 1830.

A bill to change the time of holding the county courts of Henderson county.

A bill for the relief of the personal Representatives and legal heirs of John McEwen and James McAmy, dec'd.

A bill providing for the entry of the forfeited lands in the Hiwassee district.

And

A bill to incorporate the town of Troy in the county of Obion, were severally read a second time and passed.

A bill to establish a new militia company in the county of Wilson, and for other purposes, was read a third and last time in both Houses, passed, and ordered to be enrolled.

Mr. Wyly introduced

A bill for the benefit of the citizens of the counties of Washington and Greene, which was read a first time and passed.

The Senate then adjourned until Monday morning, 9 o'clock.

MONDAY MORNING, NOVEMBER 7th, 1831.

Mr. Brabson presented the petition of Delany Mitchell, praying to be divorced from her husband, Robert Mitchell; and also a copy of the record of the case of the State against the said Robert Mitchell; which were referred, on motion of Mr. Brabson, to the committee on divorces.

Mr. Gillespy,

The petition of John N. Smith, praying the passage of a law allowing him to hawk and peddle without obtaining license therefor.

Mr. Anderson,

The petition of sundry citizens of Knox county, praying that the militia laws of this State be so amended as to require but one company muster in the year; which was referred, on motion of Mr. Anderson, to the committee on the militia.

Mr. Andrews presented the petition of Briggs Barker, praying to be divorced from his wife Elizabeth.

And introduced

A bill for that purpose; both of which were referred, on motion of Mr. Andrews, to the committee on divorces.

Mr. Murray presented a letter from Thomas Ross, on the subject of a divorce; which was referred, on motion of Mr. Murray, to the committee on divorces.

Mr. Polk from the committee of enrolments reported as correctly enrolled,

An act for the benefit of William M'Cay.

An act for the relief of Elizabeth Casey of Rhea county.

An act to authorise the Sheriffs of Rhea and Lincoln counties to appoint three deputies.

An Act to amend to amend an act passed on the 28th day of December, 1829, to revise and amend the stray laws of this State.

An act for the benefit of Carrick W. Nelson, of Carter county.

An act to reduce the fees on marriage license.

A resolution appointing Justices of the Peace for the county of Tipton. And.

A resolution appointing Justices of the Peace for Franklin county.

Said enrolled bills and resolutions were signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

A resolution submitted on Saturday last by Mr. Murray, appointing Justices of the Peace for the county of Weakly. And

A resolution submitted by Mr. Frey, appointing a Justice of the Peace for Dickson county, were taken up, severally read and adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A resolution submitted on Saturday last by Mr. Greene, prohibiting the introduction of bills after the 15th day of this month, was taken up and read.

Mr. Davis moved its indefinite postponement. And the sense of the Senate being thereupon had, it was determined in the negative—ayes 7, noes 12.

The ayes and noes being demanded constitutionally by Mr. Greene,

The affirmative voters are,

Mr. Brabson, Davis, Gillespy, Holman, Jetton, Lytle, M'Iver —7.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Bradford, Burford, Field, Frey, Greene, M'Clellan, Murray, Polk, Wyly—12.

And so said motion was overruled.

Mr. Jetton then moved to lay said resolution on the table until Monday next, which motion prevailed.

A resolution submitted on Saturday last by Mr. Andrews, requiring the Senate hereafter to meet at 8 o'clock regularly in the forenoon of each day, was taken up and read.

Mr. Holman moved its indefinite postponement, which motion was lost.

Mr. Brabson moved to amend said resolution, by requiring the Senate to meet regularly at 7 o'clock in the morning, and at one

o'clock in the evening; which motion was sustained—ayes 12, noes 5.

The ayes and noes being demanded constitutionally by Mr. Brabson

The affirmative voters are,

Mr. Speaker, Brabson, Bradford, Davis, Frey, Greene, Holman, Jetton, Lytle, M'Clellan, M'Iver, Wyly—12.

The negative voters are.

Mr. Anderson, Andrews, Murray, Perkins, Polk—5.

And so said motion prevailed.

Whereupon it was ordered that the Senate meet regularly hereafter at seven o'clock in the morning, and at one o'clock in the evening of each day of the present session.

Mr. Muraay from the committee on claims, to whom was referred,

A bill for the benefit of George W. Churchwell and others, reported that the committee had carefully examined its provisions, and had instructed him to offer the following amendment in lieu of the 2nd section thereof.

Be it enacted that the school commissioners for Warren county pay to Nathan Haggard the sum of seventy-five dollars out of any monies in their hands arising from rents and profits of school lands in said county, not otherwise appropriated; and in that shape to recommend the passage of the bill.

Whereupon the sense of the Senate was thereupon had, and determined against said amendment.

Mr. Holman then offered the following in lieu of the said 2nd section, (to wit:)

Be it enacted that it shall be the duty of the bank agent of Warren county, to pay to Nathan Haggard seventy-five dollars, out of the common school fund for said county. And the receipt of said Haggard shall be a good voucher in the settlement of his accounts.

Said amendment was read and rejected.

Mr. Bradford then moved to amend said 2nd section, by requiring the cashier of the bank of the State of Tennessee, to pay the said sum of seventy-five dollars to the said Nathan Haggard, out of the common school fund.

And the question thereon being had, "Will the Senate make the amendment?" it was determined in the negative—ayes 3, noes 17.

The ayes and noes being demanded constitutionally,

Those who voted in the affirmative are,

Mr. Bradford, Holman, Perkins—3.

The negative voters are,

Mr. Speaker, Douglass, Anderson, Andrews, Brabson, Burford,

Davis, Field, Frey, Gillespy, Greene, Jetton, Lytle, M'Clellan, M'Iver, Murray, Polk, Wyly—17.

And so said amendment was rejected.

Mr. Bradford offered an amendment to said bill, requiring the Treasurer of West Tennessee to pay to George W. Gibbs the sum of seventy-five dollars, for services rendered in defending the title of the school lands against the act of the General Assembly directing said Treasurer to sell the same, and which was recently determined against the State in the Supreme court at Nashville.

Mr. Gillespy, with the consent of Mr. Bradford, added to said amendment a provision requiring the Treasurer of East Tennessee to pay to Return J. Meigs seventy-five dollars for services rendered for prosecuting a bill of injunction in the chancery court at Kingston and the Supreme court at Knoxville, inhibiting the said Treasurer from selling a school section of land in the county of M'Minn, under an act of Assembly passed in the year 1825.

And thereupon the question was submitted, "Will the Senate receive said amendment?" and determined in the negative--ayes 5, noes 15.

The ayes and noes being demanded constitutionally,

The affirmative voters are,

Mr. Bradford, Gillespy, Holman, Lytle, Perkins, 5.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Burford. Davis, Field, Frey, Greene, Jetton, M'Clellan, M'Iver, Murray, Polk, Wyly—15.

And so said amendment was rejected.

Mr. Davis then moved to strike the 2nd section from the bill; which motion was sustained—ayes 13, noes 7.

The ayes and noes being demanded constitutionally by Mr. Davis,

The affirmative voters are,

Mr. Anderson, Andrews, Brabson, Davis, Field, Frey, Greene, M'Clellan, M'Iver, Murray, Perkins, Polk, Wyly—13.

The negative voters are,

Mr. Speaker, Bradford, Burford, Gillespy, Holman, Jetton, Lytle—7.

And so said motion prevailed.

And the bill being upon its third and last reading, it was ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

On motion of Mr. Wyly,

The Senate again resolved themselves into a committee of the whole—Mr. Frey in the chair, on the preamble and resolution heretofore submitted by him in relation to the Bank of the United States. And after some time spent in discussing the same, the

committee rose, reported progress, and asked leave to sit again on Monday next.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives concur in your resolution appointing a joint committee to ascertain the amount of Academy money chargeable to the State bank, and for other purposes. They have adopted a resolution appointing Justices of the Peace for the county of Carter, in which they ask the concurrence of the Senate. And then he withdrew.

The Senate concurred in said resolution, and ordered the clerk to acquaint the House therewith.

TUESDAY MORNING, NOVEMBER 8th, 1831.

Mr. Anderson presented the petition of Larkin H. Bowling, of Anderson county, and introduced a bill for his relief; which were, on motion of Mr. Anderson, referred to the committee on propositions and grievances.

Mr. Gillespy presented the petition of Wm. Henry; which was referred, on motion of Mr. Gillespy, to the select committee on the report of the Hon. Charles F. Keith.

Mr. Davis from the committee on claims, to whom was referred a bill for the relief of the heirs of James Taylor, Sen. late of Columbia, South Carolina, reported that the committee have had the same under consideration, think its provisions reasonable, and recommend its passage with slight amendments.

Said amendments were received, and the bill passed its second reading.

Mr. Frey from the committee on Finance, to whom was referred a bill to repeal all laws and parts of laws making *ex-officio* allowances to clerks and attorneys general, reported that the committee have had the same under consideration, think its provisions unreasonable, and recommend its rejection.

Mr. Gillespy moved to lay the report on the table, which motion was lost.

The question was thereupon submitted, "Will the Senate concur with the Report of the committee?" and determined in the affirmative—yeas 15, nays 5.

The yeas and nays being constitutionally demanded by Mr. Holman,

The affirmative voters are,

Mr. Speaker Douglass, Anderson, Andrews, Brabson, Burford,

Davis, Field, Frey, Gillespy, Jetton, Lytle, M'Iver, Murray, Polk and Wyly—15.

The negative voters are,

Mr. Bradford, Greene, Holman, M'Clellan and Perkins—5.

And so said report was concurred with.

Whereupon the bill was put upon its passage and rejected.

Mr. Holman, from the committee on the Penitentiary, to whom was referred

A biil making an appropriation for the completion of the Penitentiary established in this State, reported that the committee have had the same under consideration, think its provisions reasonable and recommend its passage.

Mr. Bradford moved a non-concurrence with said report; which motion was lost—yeas 6, nays 14.

The yeas and nays being constitutionally demanded by Mr. Bradford,

Those who voted in the affirmative are,

Mr. Brabson, Bradford, M'Clellan, Wyly, Field and Perkins, —6.

The negative voters are,

Mr. Speaker Douglass, Anderson, Andrews, Burford, Davis, Frey, Gillespy, Greene, Holman, Jetton, Lytle, M'Iver, Murray and Polk—14.

And so the Senate refused to non-concur with the report of the committee,

Mr. Field moved to strike out the third section of the bill; which motion was lost—yeas 6, nays 14.

The yeas and nays being constitutionally demanded by Mr. Field,

The affirmative voters are,

Mr. Brabson, Bradford, Field, McClellan, Perkins and Wy ly—6.

The negative voters are,

Mr. Speaker Douglass; Anderson, Andrews, Burford, Davis, Frey, Gillespy, Greene, Holman, Jetton, Lytle, M'Iver, Murray and Polk,—14.

And so said 3d section was not stricken out.

The Bill was then put upon its passage, and the question being had, "shall said bill pass?" it was determined in the affirmatiive. Yeas 16– Nays 4.

The yeas and nays being constitutionally demanded by Mr. Brabson.

The affirmative voters are,

Mr. Speaker Douglass, Anderson, Andrews, Burford, Davis, Field, Frey, Gillespy, Greene, Holman, Jetton, Lytle, M'Iver, Muray, Perkins, Polk—16.

The negative voters are,

Mr. Brabson, Bradford, M'Clellan, Wyly—4.

And so said bill passed its second reading.

Mr. Polk from the committee of enrollments, reported as correctly enrolled, A bill to amend an act to authorizes William Reynolds of the county of Greene, to open and establish a turnpike road across Paint mountain, passed Dec. 6, 1825.

The Speaker of the Senate signed said enrolled bill and ordered it to be transmitted to the House of Representatives.

On motion of Mr. Murray,

Ordered, That the rule requiring the Senate to meet regularly at 7 o'clock A. M, and at one o'clock P. m, be rescinded.

The Senate then adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, NOVEMBER 9, 1831.

Mr. Perkins presented the return of the clerk of the Circuit court clerk of Warren county, shewing the amount of State Tax collected by him for the years 1829 and 1830, which was referred on motion of Mr. Perkins to the committee on finance.

Mr. Murray presented the returns of the clerk of Dyer county court, shewing the amount of taxes collected by him for the year ending the 1st day of October 1829 and 1830, and also the statement of said clerk, shewing the amount and description of taxable property and polls, listed and returned for the year 1829, and which is chargeable to the Sheriff of said county, which were referred on motion of Mr. Murray to the committee on finance.

Mr. Murray also presented the petition of sundry citizens of Carroll county, asking the appointment of justices of the peace be given to Wyett R. Scales, which was referred on motion of Mr. Murray to the committee on captain's companies and justices of the peace.

Mr. Frey submitted the following,

Resolved, by the General Assembly of the State of Tennessee, That Samuel Russell be, and he is hereby appointed a justice of the peace in and for the county of Dickson.

Mr. Burford introduced

A bill for the benefit of John Walters of Smith county.

Mr. Anderson

A bill to repeal an act passed in 1827, authorizing Isaac and Lewis Miller to erect a mill dam on Clinch river.

Mr. Brabson

A bill to amend an act entitled an act to authorize Thomas Wheeler of Campbell county, to open a turnpike road, passed the 13th December, 1827.

Mr. Perkins,

A bill to explain an act entitled an act more effectually to restrain the taking of excess ≥ e usury, passed at Murfreesborough on the 13th of November, 1819.

Mr. Holman,

A bill to amend the laws now in force regulating the manner of granting writs of certiorari and supercedeas, and for other purposes. And

A bill to provide for the payment of the Record books of the clerks of the Supreme courts of this State, all of which were severally read a first time and passed.

Mr. Perkins introduced

A bill to authorize the clerks of the county courts, in this State to enter up judgments upon feited delivery bonds in certain cases, which was read and referred on motion of Mr. Gillespy to the judiciary committee.

A bill for the relief of persons who may have married, within the degrees prohibited by law, was taken up and amended by Mr. Davis, read a second time and passed.

Mr. Murray introduced

A bill for the benefit of the executors and legal representatives of Robert Henry Dyer, deceased, which was read and referred to the committee on propositions and grievances.

A bill to authorize Jose C. Dew & company to build a toll bridge across the falling Water in White county, was read a second time and passed.

Received from the House of Representatives,

A bill concerning trustees.

A bill to extend the corporation of the town of Knoxville.

And

A bill concerning free persons of color, and for other purposes, all of which were severally read a first time and passed.

The Senate took up on motion of Mr. Jetton, on its third and last reading in both Houses, A bill to incorporote the Franklin rail road company. Mr. Jetton moved to extend the corporation of said company to 150 years—"lost."

Mr. Gillespy offered an amendmeut thereto, limiting the corporation of said company to ninety-nine years.

Mr. Field an amendment, providing that in no case shall the powers therein granted be construed to extend to and prohibit the courts of the counties through which said road may pass, from constructing public roads, crossing the same at such places as may be deemed necessary by said courts for the utility of the public, both of said which amendments were received.

Mr. Murray then asked and obtained leave to withdraw said bill for further amendment.

Mr. McIver introduced

A bill to regulate the taxation of lands in this State and to enforce the collection of the same. And

Mr. Bradford

A bill to divorce Elias Moore from his wife Permelia, which were severally read a first time and passed.

A bill to explain and amend an act passed December 7th, 1829, chapter 29; more effectually to provide for emancipating slaves, was read a second time and passed.

Mr. Wyly introduced

A bill to repeal part of the fourth section of an act entitled an act to establish the 6th judicial circuit, and for other purposes.

Mr. Brabson

A bill to divorce Delaney Mitchell of Grainger county from her husband Robert Mitchell.

And

Mr. Anderson

A bill to provide for the circulation and preservation of the journals of the congress of the United States' and for other purposes, all of which were severally read a first time and passed.

The Senate then adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, NOVEMBER 10, 1831.

Mr Anderson presented the petition of James M'Millan, deputy sheriff of Knox county, praying compensation for taking Charles McNally from the jail of M'Minn county to Knoxville: and also, a certified copy of the order of the Supreme court at Knoxville concerning the costs in the case of the State of Tennessee vs. Charles McNally, which were refererd on motion of Mr. Anderson ,to the committee on claims.

Mr. Murray presented the petition of Henry Staples, praying that he be allowed a preference over all others to a certain tract of land therein specified; which was referred, on motion of Mr. Murray, to the committee on land claims.

The resolution submitted on yesterday by Mr. Frey, appointing a Justice of the Peace for Dickson county, was taken up and adopted.

Mr. Anderson introduced

A bill concerning the publication of the decisions of the Supreme court of the State of Tennessee; which was read the first time and passed.

Mr. Murray returned with an amendment,

A bill to incorporate the Franklin rail road company, which amendment provided that said company should have the power to sue and be sued, plead and be impleaded; and that service on the

President or any two of said company should be equivalent to service on all.

The bill being upon its third and last reading in both Houses, and said amendment having been received, it was ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A bill to provide for the appointing of a board of commissioners of arbitrament, for the decision of controversies arising under the treaties of 1817 and 1819, concerning Indian reservations, and for other purposes, was taken up and read.

Mr. Gillespy offered an amendment in lieu of the whole bill, which, together with the bill, was ordered to the table.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign an enrolled resolution appointing justices of the peace for Carter county. A bill to secure and provide for the collection of the legitimate revenue of the State. A bill for the benefit of Daniel D. Foute, of Blount county. A bill to authorise Justices of the Peace to take bail in certain case. A bill for the relief of Sally Martin and Martha M'Ilroy—And a bill to amend an act entitled an act for the relief of Sheriffs, passed Nov. 6, 1811.

The Speaker of the Senate signed said enrolled resolution and bills, and ordered them to be deposited in the office of the Secretary of State.

The House of Representatives have adopted a resolution appointing a Justice of the Peace for the county of Bledsoe.

The Senate concurred with said resolution, and ordered the clerk to acquaint the House of Representatives therewith.

They have adopted a resolution appointing Justices of the Peace for the county of Knox.. And then he withdrew.

Said resolution was, on motion of Mr. Anderson, laid upon the table.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign an enrolled resolution appointing a Justice of the Peace for Bledsoe county. And then he withdrew.

The Speaker of the Senate signed said enrolled resolution, and ordered it to be deposited in the office of the Secretary of State.

The Senate then adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, NOVEMBER 11th, 1831.

Mr. Gillespy presented the petition of sundry citizens of M'Minn county, praying that John M. Neal and Wm. Thompson be authorised to draw a lottery, which was referred, on motion of Mr. Gillespy, to the committee on propositions and grievances.

Mr. Holman presented the report of the commissioners of the Penitentiary, which was ordered, on motion of Mr. Holman, to be filed with the bill making an appropriation for the completion of the Penitentiary established in this State.

Mr. Murray presented the return of the clerk of the county court of Carroll county; which was referred, on motion of Mr. Murray, to the committee on captains' companies and Justices of the Peace.

Mr. Polk from the committee of enrolments reported as correctly enrolled,

A bill making compensation to certain enterers and grantees, for their improvements between the two Kentucky lines.

A bill to incorporate the town of Legrange in the county of Fayette. And

A bill to establish a new regiment in the county of Haywood, and for other purposes.

The Speaker of the Senate signed said enrolled bills, and ordered them to be transmitted to the House of Representatives.

Mr. Davis from the committee on claims, to whom was referred a bill for the benefit of Custus Oneal, reported that the committee have had the same under consideration, and have instructed him to report an amendment in lieu of the whole bill, and recommend its passage.

The amendment was received, and the bill passed its second reading.

Mr. Greene from the committee on the Hiwassee District, reported that the committee have had under consideration a bill to them referred, giving further time to purchasers and enterers of lands in the Hiwassee district to obtain their grants; advise the striking out of the 4th section thereof, and recommend the passage of the bill in that form.

The report of the committee was concurred in, and the bill passed its second reading.

Mr. Greene, from the same committee, reported that they have had under consideration

A bill to extend the provisions of an act concerning the register of the Hiwassee district, passed 2d October, 1827, think its provisions reasonable, and recommend its passage.

Said report was concurred in, and the bill passed its second reading.

Mr. Greene, from the same, to whom was referred the petition

of Henry Matlock and others, reported that the committee have had the same under consideration, think the prayer of the petitioners unreasonable, and that it ought not to be granted.

The report and petition were, on motion of Mr. Gillespy, laid on the table.

Mr. Greene, from the same committee, asked to be discharged from the further consideration of the petitions of James Harrison, William Johnson and Francis Ellis.

The two former were, on motion of Mr. Greene, referred to the committee on the report of the Hon. Charles F. Keith; and the latter to the committee on forfeited lands in the Hiwassee District.

Mr. Polk introduced

A bill to incorporate the Columbia Rail Road Company; which was read the first time and passed.

And then the Senate adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, NOVEMBER 12th, 1831.

Mr. Polk presented the petition of Willis Ridley, agent of Samuel D. Rawlings, in relation to grant No. 384, issued by the State of North Carolina, to Anderson Hunt; which was referred, on motion of Mr. Polk, to the committee on land claims.

Mr. Davis presented the petition of Elizabeth E. Stewart, praying to be divorced from her husband Joshua Stewart; which was referred, on motion of Mr. Davis, to the committee on divorces.

Mr. Murray presented the petition of sundry citizens of Carroll county, asking the appointment of Justice of the Peace for Wilson Nesbett; which was ordered to be referred, on motion of Mr. Murray, to the committee on captains' companies and Justices of the Peace.

Mr. Murray also presented the resignation of T. Bowden, a Justice of the Peace for Henry county; which was read, accepted, and ordered to be transmitted to the House of Representatives.

Mr. Andrews introduced

A bill to lay off and establish the brigade of Tennessee militia.

Mr. Bradford,

A bill for the benefit of the common schools therein mentioned.

Mr. Murray,

A bill for the relief of Jonas B. Liles, of Obion county.

And

A bill to establish boards of internal improvement in the several counties of this State west of Tennessee river.

Mr. Andrews,

A bill to encourage the manufacture of iron in this State. And

Mr. Holman,

A bill to establish a Treasury Department for the mountain district. All of which were severally read a first time and passed.

The Senate took up and read, on its third and last reading,

A bill for the relief of persons who may have married within the degrees prohibited by law.

And the question thereon was had, "Shall the bill pass?" and determined in the affirmative—ayes 16, noes 2.

The ayes and noes being demanded constitutionally by Mr. Brabson,

The affirmative voters are,

Mr. Speaker, Anderson, Andrews, Burford, Davis, Field, Frey, Gillespy, Greene, Holman, Jetton, Lytle, M'Iver, Murray, Polk, Wyly—16.

The negative voters are,

Mr. Brabson, M'Clellan—2.

And so said bill passed its third and last reading in both Houses, and was ordered to be enrolled.

Mr. Murray submitted the following:

Resolved, That the Judiciary committee be instructed to inquire what amendments or alterations are necessary or expedient in the laws concerning attachments and roads, and that they report by bill or otherwise.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives concur with your resolution appointing Justices of the Peace for the counties of Dickson and Weakly. They have adopted a resolution appointing Justices of the Peace for the counties of Monroe and Claiborne; in which they ask the concurrence of the Senate.

The Senate concurred in said resolution, and ordered the clerk to acquaint the House therewith.

The Speaker of the House of Representatives did this day sign an enrolled bill entitled an act to compel constables to pay a poll tax, and to work on public roads.

The Speaker of the Senate signed said enrolled act, and ordered it to be transmitted to the office of the Secretary of State.

The House of Representatives concur with the several amendments proposed by the Senate to a bill to incorporate the Franklin Rail road company. And a bill for the relief of George W. Churchwell and others. And then he withdrew.

Said bills were then severally read as amended the third and last time in both Houses, passed and ordered to be enrolled.

A bill making an appropriation for the completion of the penitentiary established in this State; was read a third and last time in both Houses, passed and ordered to be enrolled.

Mr. M'Iver returned, amended,

A bill to authorise the drawing of a lottery for the benefit of the Somerville male Academy.

The amendment was received, the bill read as amended the second time and passed.

A bill to authorise the administration of the estate of Samuel Hannah to convey a certain tract of land to the person therein named; was, on motion of Mr. Wyly, ordered to the table.

Mr. Bradford withdrew and returned with an amendment, which was received,

A bill to authorise the drawing of a lottery to clear out the obstructions in Obeds river, and to build a bridge across the same.

Said bill was read a first time and passed.

Received from the House of Representatives,

A bill for the relief of Wm. S. Wisdom.

A bill to exempt certain persons from mustering in Rhea county.

A bill for the benefit of Jacob Hackney, of Hawkins county.

A bill for the benefit of the people of Henderson county.

A bill to repeal the tax upon the probate of deeds, mense, conveyances, and for other purposes.

A bill providing for the removal of obstructions in Elk river.

A bill for the benefit of the Judge of the 4th circuit.

A bill for the benefit of David Larkin.

A bill relating to water craft, that may be stopped when adrift, on any of the waters of this State.

A bill to amend the revenue laws, and to reduce the taxes on the good people of this State.

A bill to change the time of holding regimental musters in the 32nd regiment of Tennessee militia.

A bill for the benefit of Joseph Hicks, Jailer, of Hawkins county.

A bill to protect the estates of orphans, and for other purposes.

A bill for the relief of Wm. Carter, former sheriff of Carter county.

A bill to authorise Andrew Taylor, Jr. to build a fish trap.

A bill to give jurisdiction to Justices of the Peace, in cases of assaults and batteries by consent of parties.

A bill to establish a town on the lands of Robert Robson, in the county of Hardeman.

A bill for the benefit of Thomas Travis, of Fentress county.

A bill for the benefit of James Johnson.

A bill for the benefit of Joseph Dwyer.

A bill authorising letters of administration to be granted in certain cases.

A bill to regulate the practice on writs of Mandamus.

A bill for the relief of James Boyd, a citizen of Wayne county.

A bill to prevent the delay of justice, and to prevent appeals from the county to the circuit courts in certain cases.

A bill to appoint a Geologist, Assayer and Mineralogist for the State of Tennessee.

A bill to repeal all laws heretofore passed incorporating the town of Athens, in the county of M'Minn, and for other purposes.

A bill to authorise Thomas Tipton and Zachariah Clark, of Blount county, to open a turnpike road.

A bill to alter the line between Overton and Fentress, so as to include Wm. Huddleston in Overton county.

A bill to authorise the Sheriff of Jackson county to appoint three deputies.

A bill to set apart twenty-five acres of land for a school house in Henderson county,

A bill to incorporate the city hotel.

A bill to regulate the discount on negotiable paper.

A bill further to provide for the order and decorum of religious assemblies.

A bill for the benefit of the heirs of Daniel Wheaton and James Tisdel.

A bill to dispose of the public square,lots and other public property in old Montgomery, the former county seat in Morgan county.

A bill to amend the laws on the subject of the chancery courts of this State.

A bill to change the time of holding muster in the 116th Regiment.

A bill to repeal part of the act of 1827, entitled an act to reduce into one the several acts concerning county renenue.

A bill for the benefit of John Vincent.

A bill for the benefit of Unice Cummings.

A bill to amend the laws now in force in relation to the turnpike road across Cumberland mountain, of which Samuel Harris is proprietor.

A bill for the relief of the citizens of Morgan and Anderson, counties.

A bill to amend an act entitled an act to authorize Moses Fisk to open a turnpike road, passed November 24th, 1817, and for other purposes.

A bill to authorize the Register to issue a certain grant.

A bill for the benefit of Field Farrer, clerk of Dickson county.

A bill to change the time of holding the courts therein mentioned.

A bill to amend the laws now in force regulating the taxation of costs.

A bill to repeal part of an act passed 13th January, 1830.

A bill to establish an independent volunteer company in Knoxville.

A bill to establish a turnpike bridge across Hatchie river in Haywood county.

A bill for the benefit of McNairy county.

A bill for the benefit of the Samuel Houston and Lafayette academies in the counties of Marion and Bledsoe.

A bill to authorize Doctor John McNeal and Wm. Thompson of M'Minn county to raise twenty-five thousand dollars by lottery.—And

A bill for the benefit of James Young of Sparta, all of which were severally read a first time and passed.

Mr. Polk from the committee of enrollments reported as truly enrolled, An act for the relief of persons who may have married within the degrees prohibited by by law. Said enrolled act was signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

A bill for the relief of Thomas L. Gray of Haywood county, was on motion of Mr. Davis referred to the committee on Land claims.

A bill to provide for the establishment of the Southern boundary of this State, was referred on motion of Mr. Murray to the committee on the dividing line between this State and Mississippi.

Mr. Brabson withdrew for amendment,

A bill for the relief of James Drennen of Wilson county.

Mr. Andrews moved the Senate to adjourn until Monday next, 9 o'clock, A. m. And the ayes and noes being constitutionally demanded by Mr. McIver the question was thereupon put, and determined in the affirmative. Ayes 12—Noes 8.

The affirmative voters are,

Mr. Speaker, Andrews, Brabson, Bradford, Burford, Frey, Gillespy, Holman, Jetton, Perkins, Polk, Wyly—12.

The negative voters,

Mr. Anderson, Davis, Field, Greene, Lytle, McClellan, McIver, Murray—8.

And so said motion prevailed.

Whereupon, it was ordered that the Senate adjourn until Monday morning 9 o'clock.

MONDAY MORNING, NOVEMBER 14th, 1831.

A resolution submitted on Saturday last by Mr. Murray directory to the committee on the judiciary, was taken up read and adopted.

Mr. Field introduced

A bill limiting prosecutions for misdemeanors,

Mr. Burford

A bill to appropriate one half of the State tax to county purposes.

Mr. Davis introduced

A bill to fix the time of holding regimental musters in the 11th Brigade of Tennessee militia, and for other purposes. And

A bill to regulate the State tax on law suits.

And Mr. Gillespy,

A bill supplemental to an act entitled an act to appropriate the school lands in the Hiwassee district to the use of schools for the instruction of children therein, passed at the present session of the General Assembly, all of which were severally read a first time and passed.

A bill to divorce Robert Baker from his wife Charlotte and for other purposes, was taken up and read. Mr. Gillespy moved to strike therefrom the 2nd section thereof, which provides that Zemiri, son of said Charlotte, born after her marriage with the said Robert, be rendered incapable of holding property by descent as the heir at law of said Robert Baker, either in law or equity. And thereupon the question was had, Will the Senate strike out the said 2d section and determined in the negative. Ayes 8—Noes 10.

The ayes and noes being constitutionally demanded by Mr. Gillespy,

Those who voted in the affirmative are,

Mr. Anderson, Brabson, Burford, Davis, Field, Frey, Gillespy, Greene—8.

The negative voters are.

Mr. Speaker, Andrews, Bradford, Holman, Jetton, Lytle, McClellan, McIver, Murray, Wyly—10.

And so said motion was overruled.

The bill was then again read a third time and passed.

Received from the House of Representatives,

A bill for the benefit of Joseph Davy, of Hickman county.

A bill to incorporate a Female Academy at Athens.

A bill to authorise Peter N. Smith, of Franklin, Williamson county, to sell or dispose of a certain tract of land and slaves for the benefit of James Scott, deceased.

A bill for the benefit of mechanics and practising physicians.

A bill for the preservation of decency and morality.

A bill to authorise females to obtain divorces in courts without costs.

A bill to distribute the infantry tactics for the use of the militia.

A bill for the relief of sheriffs and others who have heretofore conveyed convicts to the Penitentiary.

A bill to secure the attendance of Justices of the Peace for the discharge of their duties in the companies for which they were appointed.

A bill to release from taxation the real estate belonging to the State Bank of Tennessee. And

A bill to repeal the act of 1827, chap. 37. All of which were severally read a first time and passed.

A bill for the benefit of the purchasers of lots in the town of Somerville. And

A bill for the benefit of Wm. Moore, of Gibson county; were severally read a second time and passed.

A bill for the benefit of the heirs of James Taylor, sen. late of Columbia, South Carolina; was read a third and last time in both Houses, passed and ordered to be enrolled.

A bill for the benefit of Overton county. And

A bill for the benefit of Burwell Carter; were severally read a second time and passed.

Mr. Brabson returned without amendment,

A bill from the House of Representatives, for the relief of James Drennen, of Wilson county.

Said bill was read a first time and passed.

And then the Senate adjourned.

TUESDAY MORNING, NOVEMBER 15th, 1831.

Mr. Murray presented the petition of Thomas Fite, praying the passage of a law authorising the register of the Western District to issue a grant to Jourdan Hassell; which was referred, on motion of Mr. Murray, to the committee on land claims.

Mr. Polk from the committee of enrolments, reported as correctly enrolled,

An act making an appropriation for the completion of the Penitentiary established in this State. And

An act for the relief of James Taylor, late of Columbia, South Carolina.

The Speaker of the Senate signed said enrolled acts, and ordered them to be transmitted to the House of Representatives.

Mr. Wyly introduced

A bill to amend the militia laws of this State. And

Mr. Gillespy,

A bill to relieve the distresses of the good people of this State.

Said bills were severally read a first time and passed.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution appointing Justices of the Peace for the counties of Hickman and Robertson. And then he withdrew.

The Senate concurred with said resolution, and ordered the clerk to acquaint the House of Representatives therewith.

On motion of Mr. Bradford,

Ordered, that Mr. Speaker Douglass and Mr. Davis be added to the sub-committee on banks.

A bill for the benefit of Nathaniel B. Butler, was read a third and last time in both Houses, passed and ordered to be enrolled.

A bill to provide for the appointment of county surveyors for the counties of Monroe and M'Minn.

A bill to appoint Trustees of Mount Cumberland Academy, in Fentress county.

A bill for the relief of the Covington Sentinels.

A bill to amend an act entitled an act to authorise a lottery for the benefit of Covington Academy, passed in 1827.

A bill for the relief of Nathaniel Ragan, of Blount county. And

A bill to incorporate the town of Cornersville, in the county of Giles, were severally read a second time and passed.

Mr. Wyly withdrew for amendment,

A bill to create a fund in each county for common schools. And

Mr. Murray,

A bill directory to the Register of the Western District of this State.

Received from the House of Representatives,

A bill for the benefit of Thomas Blake, of Roane county.

A bill providing for the more faithful discharge of public trust, connected with the collection and disbursement of the revenue of the State, and of the several counties and other incorporated companies or bodies therein.

A bill to amend an act entitled an act to incorporate a medical society in the State of Tennessee.

A bill to amend an act entitled an act to establish a system of common schools in this State.

A bill for the benefit of securities in cases of Peace warrants. And

A bill to amend an act entitled an act to amend and reduce into

one the several acts concerning the county revenue, all of which were severally read a first time and passed.

A bill to establish precinct elections in Greene county, and at other places therein named, was read a third time and passed.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign an enrolled resolution appointing Justices of the Peace for the counties of Robertson and Hickman. And an enrolled resolution appointing Justices of the Peace for the counties of Knox, Anderson and Fayette. And then he withdrew.

The Speaker of the Senate signed said enrolled resolutions, and ordered them to be deposited in the office of the Secretary of State.

And the Senate adjourned until tomorrow morning 9 o'clock.

WEDNESDAY MORNING, NOVEMBER 16th, 1831.

Mr. M'Clellan presented the petition of sundry citizens of Sullivan county, praying that the law relating to common schools, may be so altered as to extend to them some of its benefits; which was referred, on motion of Mr. M'Clellan, to the committee on common schools and education.

Mr. Davis from the committee on captains' companies and Justices of the Peace, submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That John K. Clark, William Ellmore, Wilson Nesbett, John Stewart and William W. Foreman be, and they are hereby appointed, Justices of the Peace in and for the county of Carroll.

Mr. Speaker Douglass presented a communication from the cashier of the Bank of the State of Tennessee; which was referred, on motion of Mr. Bradford, to the sub-committee on banks.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution appointing Justices of the Peace for the counties of Perry, Humphreys and Bedford, in which they ask the concurrence of the Senate.

Said resolution was concurred with by the Senate, and the clerk ordered to acquaint the House of Representatives therewith.

The House of Representatives have taken up on a third and last reading in both Houses,

A bill for the relief of the surveyor General of the 13th District; and propose amending the same by substituting the amendment herewith transmitted in lieu of the second section thereof. And then he withdrew.

The Senate non-concurred with the proposition to amend said bill, and ordered the clerk to acquaint the House of Representatives therewith.

A bill for the relief of Albert Thomas.

A bill for the benefit of the Quorum Court of Williamson county.

A bill to amend an act passed in 1829, chapter 52.

A bill to revive the act incorporating the Turnpike Company from Nashville to Murfreesboro, and for other purposes.

A bill for the relief of Anthony Gilliam, deceased.

A bill to amend an act entitled an act to incorporate the Gallatin turnpike company.

A bill to extend the town of Sparta.

A bill to authorise Cain Broyles to open and establish a turnpike road across Paint mountain.

A bill to amend an act entitled an act to dispose of certain lands in Hawkins county, commonly called Simms' Big Survey.

A bill to encourage the manufacture of iron.

A bill to authorise Timothy Dodson to build a bridge.

A bill to incorporate the Tennessee manufacturing company. And

A bill to repeal an act passed October 8th, 1825, entitled an act for the benefit of Jotham Brown, of Greene county, were severally read a second time and passed.

Mr. Anderson withdrew for amendment.

A bill for the benefit of John Sharp. And

Mr. Polk,

A bill to incorporate the Franklin and Columbia Turnpike Company.

A bill to incorporate the trustees of the Brownsville Academy in the county of Haywood, and for other purposes, was read a third and last time in both Houses, passed and ordered to be enrolled.

A bill to change the time of holding the county courts in Henderson county.

A bill for the relief of the personal heirs and legal representatives of John M'Ewen and James M'Kamy, deceased.

A bill to incorporate the town of Troy in the county of Obion.

A bill to authorise Amos Marney to open a turnpike road.

A bill to authorise the register of Carroll county to keep his office at his own house.

A bill to incorporate the town of Randolph in the county of Tipton.

A bill to extend the time of making surveys south and west of the congressional reservation line.

A bill to authorise the court of Pleas and Quarter sessions of Tipton county, to appropriate any surplus money in the county treasury for the purpose of building a court house in the town of Covington.

A bill for the relief of the clerk of the circuit court of Claiborne county.

A bill to authorise a precinct election to be held in the county of Fentress.

A bill appointing the time of holding regimental musters in the 99th regiment of Tennessee militia. And

A bill for the benefit of Hugh M'Intire, of Tipton county; were severally read a third time and passed.

Mr. Murray introduced

A bill to allow the sheriffs of Obion and Dyer counties longer time for the payment of certain taxes; which was read a first time and passed.

A bill to amend the several laws incorporating the town of Nashville; was referred, on motion of Mr. Lytle, to the committee on propositions and grievances.

Mr. Burford withdrew for amendment,

A bill for the benefit of Nancy McClanathan and others therein named.

A bill to exempt certain citizens of Humphreys county from being subjected to pay toll at Sandy Bridge, was taken up, read and rejected.

A bill for the relief of Joseph Brown, was referred, on motion of Mr. Davis, to the committee on land claims.

A bill to amend an act entitled an act to incorporate the Franklin and Nashville turnpike company, was referred on motion of Mr. Burford to the committee on Internal Improvement.

On motion of Mr. Gillespy,

Ordered, that the committee on education be discharged from the further consideration of a bill to regulate the academies in this State.

A bill to amend an act entitled an act to extend the corporation of the town of Brownsville and for other purposes, was read a third and last time in both houses, passed and ordered to be enrolled.

The Senate then adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, NOVEMBER 17, 1831.

Mr. Holman presented the petition of John Taylor praying the passage of a law authorizing him to hawk and peddle without obtaining license therefor.

A resolution submitted on yesterday by Mr. Murray, appointing justices of the peace for the county of Carroll, was taken up, read and adopted. Ordered that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Polk submitted the following,

Resolved, by the General Assembly of the State of Tennessee, That John W Briscoe be, and he is hereby appointed a justice of the peace in and for the county of Maury.

Mr Jetton introduced

A bill to provide for the payment of patrols.

Mr. Holman

A bill for the relief Nathan Haggard of White county.

Mr. Gillespy

A bill to amend an act entitled an act to make entries liable to execution in the Hiwassee district, passed December 12th, 1827. And

Mr. Andrews

A bill for the relief of those who may have balances of land warrants unappropriated in the offices of the several districts south and west of the congressional reservation line, which were severally read a first time and passed.

Mr. Burford withdrew for amendment,

A bill to explain and amend an act, passed December 7th, 1829, ch. 29, more effectually to provide for emancipating slaves.

Mr. Polk returned with various amendments which were received, A bill to incorporate the Franklin and Columbia Turnpike company—said bill was read as amended a 2d time and passed.

A bill for the benefit of common schools therein named, was taken up and read, and the question thereon being had, "shall the bill pass?" it was determined in the negative. Ayes 9—Noes 11.

The ayes and noes being constitutionally demanded by Mr Burford,

The affirmative voters are,

Mr. Speaker Douglass, Anderson, Bradford, Gillespy, Holman, Jetton, M'Clellan, Perkins, Wyly—9.

The negative voters are,

Mr. Andrews, Brabson, Burford, Davis, Field, Frey, Greene, Lytle, M'Iver, Murray, Polk—11.

And so said bill was rejected.

Mr. Murray submitted the following

Resolved, by the General Assembly of the State of Tennessee,

That John D. Love be, and he is hereby appointed a justice of the peace in and for the county of Henry.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives concur in your resolution appointing justices of the peace for the county of Carroll. The Speaker of the House of Representatives did this day sign an enrolled bill entitled an act to divorce Robert Baker from his wife Charlotte, and for other purposes. And then he withdrew.

The Speaker of the Senate signed said enrolled act and ordered it to be deposited in the office of the Secretary of State.

Received from the House of Representatives,

A bill to ascertain the centre of Overton county, and to remove the seat of justice therein.

A bill directing the payment of the cost therein named.

A bill to divorce Elizabeth Linn from her husband Jacob Linn.

A bill to legitimatize Armstead Parrott of Claiborne county. And

A bill to authorize Hastings Poe and Asahel Rawlings to open a turnpike road, all of which were severally read a first time and passed.

Mr. Burford returned A bill for the relief of Nancy McClanathan, and moved to strike therefrom the 2d section thereof, which motion prevailed; the bill was then read as amended a 3d time and passed.

The Senate then adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, NOVEMBER 18th, 1831.

Mr. Murray presented the petition of John McKernan, Samuel Ingram and James H. Gee, citizens of the town of Huntingdon which was referred on motion of Mr. Murray to the committee on propositions and grievances.

Mr. Murray also presented the petition of James Young, praying the passage of a law authorizing him to make void a certain entry in the 12th Surveyors District, and for other purposes, which was referred on motion of Mr. Murray to the committee on land claims.

Mr. Murray also presented the petition of Rhody Murphree praying to be divorced from her husband Nimrod Murphree, which was referred on motion of Mr. Murray to the committee on divorces.

Mr. Polk from the committee of enrollments, reported as truly enrolled an act to incorporate the trustees of the Browns-

ville academy in the county of Haywood; and an enrolled resolution appointing justices of the peace for the county of Carroll.

Said act and resolution was signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

Mr. Murray's resolution of yesterday appointing a justice of the peace for Henry county, and Mr. Polk's resolution of the same day appointing a justice of the peace for Maury county, were taken up severally read and adopted.

Ordered that the clerk acquaint the house of representatives therewith and ask their concurrence therein.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution directory to the Governor of this State, and a resolution relative to the inspection of Tobacco in the city of New Orleans, in which they ask the concurrence of the Senate. And then he withdrew.

The Senate concurred in said resolutions and ordered the clerk to acquaint the house of represenatives therewith.

Mr. Lytle introduced

A bill to make lawful grants and entries within five miles of the narrows of Harpeth; which was read a first time and passed.

Mr. Holman introduced

A bill to provide for the holding of a chancery court in the town of Monroe, which was withdrawn by Mr. Field for amendment.

Mr. Murray introduced

A bill to authorise the erection of turnpike bridges and causeways across the middle and little North Forks and Bottoms of Forked Deer river in Gibson county. And

Mr. Gillespy,

A bill to protect sheriffs, coroners and constables in the discharge of their duty; both of which were severally read a first time and passed.

Received from the House of Representatives,

A bill to regulate and designate the line between the counties of Rhea and M'Minn.

A bill for the benefit of the former jailer of Marion county.

A bill authorising executors to sell real estates in certain cases.

A bill for the relief of Sally Hobson, of Claiborne county.

A bill to amend the laws now in force regulating the town of Jonesboro, in the county of Washington.

A bill to authorise county courts to elect Trustees for county academies.

A bill to authorise a lottery for the purpose of building a bridge across Roaring river in Jackson county.

A bill to amend the fifty-sixth section of an act entitled an act to reform and amend the penal laws of the State of Tennessee.

And

A bill for the relief of the securities of Joseph Stone; all of which were severally read a first time and passed.

A bill to incorporate the Franklin and Columbia turnpike company, was read a third and last time in both Houses, passed and ordered to be enrolled.

SATURDAY MORNING, NOVEMBER 19th, 1831.

Mr. M'Clellan presented the petition of sundry citizens of Sullivan county, asking the adoption of a resolution advising the rechartering the Bank of the United States; which was referred, on motion of Mr. M'Clellan, to the committee on banks.

Mr. Anderson presented the petition of Leonard Carden, a citizen of Monroe county, in relation to an entry in the Hiwassee District; which was referred, on motion of Mr. Anderson, to the committee on claims.

Mr. Perkins presented the return of the clerk of the chancery court at M'Minnville, shewing the amount of State revenue collected by him for the years 1830 and 1831; which was referred, on motion of Mr. Perkins, to the committee on finance.

Mr. Murray submitted the following resolution;

Resolved, by the General Assembly of the State of Tennessee, That John C. Gillespy, Daniel W. Pound and Jeremiah P. Tinkle be, and they are hereby appointed, Justices of the Peace for the county of Gibson.

Mr. Field introduced

A bill concerning the correctiod of grants, platts and certificates, and for other purposes.

Mr. Holman,

A bill for the relief of Joseph P. Neeley and Jane C. Neeley, of the county of Jackson. And

Mr. Gillespy,

A bill to compensate Samuel G. Smith, for services performed and monies expended in the service of the State. All of which were severally read the first time and passed.

A bill to establish a third battalion in the 82nd regiment of Tennessee militia, was read the third time and passed.

Received from the House of Representatives,

A bill to prevent trespasses upon school lands in Warren county.

A bill for the benefit of Azer Wyly.

A bill to incorporate the town of Liberty, in the county of Smith.

A bill to amend and explain the acts now in force in this State to suppress the odious practice of gaming, tipling, and trading with slaves.

A bill to amend the penal laws of this State, passed in 1829 and 1830. And

A bill to incorporate the Clarksville and Russellville rail road company; all of which were severally read a first time and passed.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution directing the manner in which the witnesses shall be paid, who attended the committee of the House of Representatives previous to the exhibition of the articles of impeachment against Judge Joshua Haskell. And then he withdrew.

Said resolution was concurred in by the Senate, and the clerk ordered to acquaint the House of Representatives therewith.

A bill to establish boards of internal improvement in the several counties of this State, west of Tennessee river, was, on motion of Mr. McIver, referred to the committee on internal improvement in the Western District.

A bill to authorise the administrator of Samuel Hannah to convey a certain tract of land to the person therein named, was read a second time and passed.

A bill to regulate the taxation of lands in this State, and to enforce the collection of the same. And

A bill to amend the revenue laws of this State, were, on motion of Mr. Murray, referred to the committee on finance.

On motion of Mr. Gillespy, the Senate took up, with the several amendments heretofore offered,

A bill for the appointing of a board of commissioners of arbitrament for the decision of controversies arising under the treaties of 1817 and 1819, concerning Indian reservations, and for other purposes.

Said bill and amendments were withdrawn by Mr. Bradford for amendment.

A bill to appropriate one half of the State tax to county purposes.

A bill to regulate the State tax on law suits.

A bill to establish the rate of county tax on lands in this State, and for other purposes.

A bill to appropriate one half of the State tax to county purposes, upon a basis of free white population. And

A bill to appropriate the taxes arising from shows, to county

purposes, were referred, on motion of Mr. Frey, to the committee on finance.

A bill to establish a town in the county of Greene, was read a third and last time in both Houses, passed, and ordered to be enrolled.

Mr. Perkins introduced

A bill to amend an act passed at the present session of the General Assembly, entitled an act giving further time for surveying entries and obtaining grants thereon; which was read a first time and passed.

A bill to authorise Jose C. Dew and company to build a toll bridge across the Falling Water, in White county, was read a third time and passed.

Mr. Wyly returned

A bill to incorporate a board of Internal improvement in that part of the State east of Cumberland mountain, and moved to strike from the 4th section of said bill that part thereof which requires the commissioners to commence the improvement at the lowest point of obstruction to navigation, for the purpose of inserting in lieu thereof the following, (to wit:)

Commencing at such place or places as said commissioners may think the public good most requires.

And thereupon the question was had, "Will the Senate make the amendment?" and determined in the negative—ayes 3, noes 14.

The ayes and noes being demanded constitutionally by Mr. Greene,

Those who voted in the affirmative are,

Mr. Andrews, Burford, Wyly—3.

Those who voted in the negative are,

Mr. Anderson, Brabson, Davis, Field, Gillespy, Greene, Holman, Jetton, Lytle, M'Clellan, M'Iver, Murray, Perkins, Polk, 14.

And so said motion was lost.

Mr. Davis at the hour of 1 o'clock, P. m. moved the Senate to adjourn until two o'clock, P. m.

And thereupon the question was submitted, "Will the Senate adjourn?" and determined in the affirmative. Ayes 10, noes 6.

The ayes and noes being demanded constitutionally,

Those who voted in the affirmative are,

Mr. Andrews, Bradford, Burford, Davis, Jetton, Lytle, McClellan, Murray, Perkins, Wyly—10.

The negative voters are,

Mr. Anderson, Brabson, Field, Gillespy, Greene, M'Iver—6.

And so said motion prevailed.

Whereupon the Senate adjourned until two o'clock, P. m.

Two o'clock, P. m. Senate met according to adjournment.

On motion of Mr. Gillespy,

The Senate resumed the consideration of the bill to incorpo-

rate a board of internal improvement in that part of the State east of Cumberland mountain.

Mr Murray moved to strike therefrom the 8th and 9th sections thereof.

Mr. Gillespy moved a division of the question, which prevailed. And the sense of the Senate was thereupon had, in relation to the motion to strike out the said 8th section, which carried.

Mr. Murray then withdrew his motion in relation to the said 9th section.

Mr. Wyly then moved to strike from said bill that part thereof which requires the said commissioners to be elected by the joint ballot of both Houses of the General Assembly, for the purpose of appointing and inserting in lieu thereof the name of Solomon D. Jacobs, John Obrien, Peter Brown and Return J. Meigs, who should act as said commissioners until the next regular session of the General Assembly. And the question was thereupon had, "Will the Senate make the amendment?" and determined in the negative. Ayes 5, noes 12.

The ayes and noes being constitutionally demanded by Mr. Wyly,

The affirmative voters are,

Mr. Jetton, Lytle, M'Clellan, Murray, Wyly, 5.

The negative voters are,

Mr Anderson, Andrews, Brabson, Burford, Davis, Field, Gillespy, Greene, Holman, M'Iver, Perkins, Polk, 12.

And so said motion was lost.

On motion of Mr. M'Clellan, said blank in said bill was filled so as to provide for the election of three commisssioners.

The bill was then put upon its passage, and the question thereupon being had, "Shall the bill pass?" it was determined in the affirmative. And so said bill passed its third reading.

MONDAY, NOVEMBER 21st, 1831.

Mr. Anderson presented the petition of sundry citizens of Sevier county, praying that a portion of said county be attached to the county of Jefferson; which was referred, on motion of Mr. Anderson, to the committee on new counties and county lines.

Mr. Polk presented the petition of Fortune Dodson, praying to be divorced from his wife Patience; which was referred, on motion of Mr. Polk, to the committee on divorces.

Mr. M'Iver presented the petition of sundry citizens of Madison county, praying the passage of a law securing to them the free navigation of the south fork of Forked Deer river; which was re-

ferred, on motion of Mr. M'Iver, to the committee on internal improvement in the Western District.

Mr. Speaker Douglass presented the return of the sheriff of Wilson county, shewing the number of votes polled in said county for representatives, and the number of those voting for and against the call of a convention; which was referred, on motion of Mr. Speaker Douglass, to the committee on that subject.

A resolution submitted on Saturday last by Mr. Murray, appointing Justices of the Peace for the county of Gibson, was taken up, read and adopted.

Mr. Burford submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the present session of the General Assembly shall terminate on Monday the 12th day of December next; and no bill shall be introduced or reported in either branch of the Legislature after the 1st day of December next.

Mr. Field introduced

A bill declaratory of the law concerning contempts, and for other purposes; which was read the first time and passed.

Mr. Wyly returned with an amendment in lieu of the caption thereof,

A bill to create a fund in each county for common schools; which amendment was received.

Mr. Jetton moved to strike from said bill the word "one," with a view of inserting "two;" which motion was sustained.

And thereupon the question being had, "Shall the bill pass?" it was determined in the negative. Yeas 5, nays 15.

The yeas and nays being constitutionally demanded by Mr. Burford,

The affirmative voters are,

Mr. Anderson, Brabson, Burford, Gillespy and Holman, 5.

The negative voters are,

Mr. Speaker Douglass, Andrews, Bradford, Davis, Field, Frey, Greene, Jetton, Lytle, M'Clellan, M'Iver, Murray, Perkins, Polk and Wyly, 15.

And so said bill was rejected.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign enrolled bills of the following titles, to wit:

An act to extend the time of making surveys and entries south and west of the congressional reservation line.

An act to incorporate the town of Troy in Obion county.

An act to authorize precinct elections in the counties of Fentress and Franklin.

An act to divorce Robert Baker from his wife Charlotte, and for other purposes.

An act to authorize Amos Marney to open a turnpike road.

An act for the relief of the clerk of the circuit court of Claiborne county, and for other purposes.

An act to authorize the county court of Tipton to appropriate certain money for building a court house in Covington.

An act for the relief of the personal representatives of John M'Ewin and James M'Amy. And

An act to authorize the Register of Carroll county to keep his office at his own house. And then he withdrew.

The Speaker of the Senate signed said enrolled Bills and ordered them to be deposited in the office of the Secretary of State.

Received from the House of Representatives by Mr. Campbell their clerk, a resolution adopted by that House inviting the Senate while sitting as a court of impeachment to occupy their hall, said invitation was read at the clerks table and accepted. Mr. Jetton moved a reconsideration, and thereupon the question was submitted "will the Senate reconsider?" and determined in the negative. Ayes 6—Noes 12.

The ayes and noes being constitutionally demanded by Mr. Bradford,

Those who voted in the affirmative are,

Mr. Brabson, Bradford, Burford, Jetton, Lytle, Murray—6.

The negative voters are,

Mr. Anderson, Andrews, Field, Frey, Gillespy, Greene, Holman, M'Clellan, M'Iver, Perkins, Polk, Wyly—12.

And so said motion was overruled.

TUESDAY, NOVEMBER 22, 1831.

Mr. Burford resolution of yesterday limiting the present session of the General Assembly to the 12th, and prohibiting the introduction of bills into either branch of the Legislature after the 1st of December next, was taken up and laid upon the table on motion of Mr. Brabson until the final adjournment of the court of impeachment.

Whereupon the senate adjourned till Thursday morning 9 o'clock.

THURSDAY, NOVEMBER 24, 1831.

The court of impeachment still being in session and the argument of the cause not yet concluded, it was ordered on motion of Mr. Gillespy that

The Senate adjourn until Monday morning, 9 o'clock..

SATURDAY MORNING, NOVEMBER 26th, 1831.

The court of impeachment having adjourned at 11 o'clock,until Monday morning,

Mr. Field moved that the rule of the Senate allowing but one day for reconsidering a vote be suspended; which motion being sustained, the vote of Thursday last, adjourning the Senate until Monday next, was on motion of Mr. Bradford reconsidered and the order rescinded.

Mr. Davis submitted the following,

Resolved, by the General Assembly of the State of Tennessee, That William B. Henry, Ephraim Churchwell, Wallace Hays, Samuel Seaton, Benjamin F. Liddens, William B. Curtis, William Hinkle, James Kyle, Elijah Blackshear and Alfred Haggard, be, and they are hereby appointed justices of the peace for the county of Wayne, and the rule being suspended on motion of Mr. Davis, the resolution was adopted.

Mr. Holman moved that the Senate adjourn until Monday morning 9 o'clock, which motion was lost. The yeas and nays on the question being constitutionally demanded by Mr. Gillespy, the affirmative voters are,

Mr. Holman, Lytle, Murray, Polk,—4.

The negative voters are,

Mr. Speaker Douglass, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Field, Frey, Gillespy, Greene, Jetton, M'Clellan, M'Iver, Perkins, Wyly—16.

And so said motion was overruled.

Received from the House of Representatives,

A bill to appoint Hugh Houston commissioner for the town of Rutledge.

A bill to amend the laws heretofore passed in this State, authorizing each county to establish and control a poor house.

A bill to refund certain moneys to Samuel Box.

A bill supplementary to an act passed December 6th, 1825, entitled an act to authorize William Reynolds of the county of Greene, to open and establish a road across Paint mountain.

A bill to establish a house of correction.

A bill for the relief of Elisha Askew. And

A bill for the relief of John Gray.Blount and Thomas Blount, all of which were severally read a first time and passed.

A bill giving further time for surveying entries and obtaining grants thereon, was taken up, and on motion of Mr. Bradford indefinitely postponed.

Mr. Murray introduced

A bill to amend an act entitled an act for the relief of the occupants south and west of the congressional reservation line, passed

at Nashville the 30th of December, 1829, which was read the first time and passed.

A bill to prevent the violation of graves and the disturbance of the bodies of the dead. And

A bill for the benefit of garnishees, were severally read a second time and passed.

The Senate took up on its third and last reading,

A bill to alter the time of holding the county courts of Dyer and Obion. Mr. Murray moved to amend the same by striking from the 2d sec. thereof the words "third Monday's of the aforesaid months," and inserting "first Monday's in January, April, July and October," which amendment was received and the bill passed.

A bill to improve the navigation of Obed's river in the counties of Fentress and Overton, and for other purposes, was taken up and on motion of Mr. Holman laid upon the table.

Mr. Burford returned with an amendment in lieu of the whole,

A bill to explain and amend an act passed 7th Dec. 1829, ch,29, more effectually to provide for emancipating slaves, said amendment was received and the bill passed its third reading.

A bill to authorize the Sheriff of Hardeman county to pay over certain monies. And

A bill to authorize the Treasurer of East Tennessee to pay certain monies, were severally read a third time and passed.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution for an adjournment of the Legislature *sine die*, on Thursday, the 15th of December, in which they ask the concurrence of the Senate.

The Speaker of the House of Representatives did this day sign enrolled resolutions of the following titles, viz:

A resolution directory to the Governor of this State. A resolution directing the manner in which certain witnesses shall be paid. And a resolution concerning the inspection of tobacco at New Orleans. And then he withdrew.

The Speaker of the Senate signed said enrolled resolutions, and ordered them to be deposited in the office of the Secretary of State.

A bill to authorise the drawing of a lottery to clear out the obstructions in Obeds river, and to build a bridge across the same, was taken up on its second reading, amended by Mr. Bradford and passed.

A bill to compensate Jurors in the county of Sullivan.

A bill to establish a town in the county of Henry.

A bill appointing a commissioner to receive Justices' papers in Knox county. And

A bill to exempt the militia of the 58th regiment in the county of Morgan from attending battalion musters, were severally read a third and last time in both houses, passed and ordered to be enrolled.

A bill to indemnify such counties in this State as have been deprived of a part of their county revenue by the act of Assembly of August 14th, 1822; and the compact entered into by the commissioners appointed by the provisions of said act, was taken up on its third reading in the Senate.

Mr. Gillespy offered an amendment thereto; which, together with the bill, was, on motion of Mr. Gillespy, laid upon the table.

Mr. Murray withdrew for amendment,

A bill to explain an act entitled an act more effectually to restrain the taking of excessive usury, passed at Murfreesboro, on the 13th of November, 1819.

And the Senate adjourned until Monday morning next, half after 8 o'clock.

MONDAY MORNING, NOVEMBER 28th, 1831.

Mr. Anderson presented the petition of Wm. Plumlee, a citizen of Knox county, praying the passage of a law authorising him to hawk and peddle without obtaining license therefor; which was referred, on motion of Mr. Anderson, to the committee on propositions and grievances.

Mr. Davis presented the petition of sundry citizens of Wayne county, asking permission to raise funds by lottery to build a jail in said county; which was referred, on motion of Mr. Davis, to the committee on propositions and grievances.

Mr. Davis, from the committee on land claims, to whom was referred a bill for the relief of Joseph Brown, reported that the committee have had the same under consideration, and had instructed him to report, in lieu thereof, a bill to enable the occupants of the Western District to save their occupancies, and for other purposes.

Said bill was read at the clerk's table, and, on motion of Mr. Bradford, was ordered to lie on the table.

Mr. Speaker Douglass presented the report of the President and Directors of the Bank of the State of Tennessee. made in obedience to a resolution adopted in Senate, the 31st October, 1831; which was read and ordered to the table, on motion of Mr. Anderson.

Mr. Burford submitted the following:

Resolved, That the Senate meet the House of Representatives

in their hall on Saturday the 15th day of December next, for the purpose of considering the propriety of recommending to the people of the State of Tennessee, at the next general election, to vote for or against a call of a convention. And

Mr. Gillespy the following:

Resolved, by the General Assembly of the State of Tennessee, That the President and Directors of the Bank of the State of Tennessee, inform this General Assembly forthwith, the reason why they have not reported in pursuance of a resolution of the present General Assembly, the names, amounts and dates of the overcheckers, and drawers, upon the bank, of those having no deposits therein since its establishment.

Mr. Gillespy introduced

A bill for the benefit of John McCrosky, former sheriff of Monroe county.

A bill for the relief of Judy B. F. Perrin, of M'Minn county: And

A bill for the benefit of Daniel McKanlass, of Blount county

Mr. Frey,

A bill to amend an act passed 9th November, 1817, regulating the town of Charlotte, in the county of Dickson. And

Mr. Holman,

A bill for the relief of Martin Mooney and Wm. Mooney, of White county: all of which were severally read a first time and passed.

A bill to amend an act entitled an act to dispose of certain lands in Hawkins county, commonly called Simms' Big survey.

A bill for the relief of Albert Thomas.

A bill to amend an act passed in 1829, chapter 52.

A bill for the benefit of the Quorum Court of Williamson county.

A bill appointing the time of holding regimental musters in the 99th regiment of Tennessee militia.

A bill for the relief of the creditors of Anthony Gilliam, deceased.

A bill to repeal an act passed October 8th, 1825, entitled an act for the benefit of Jotham Brown, of Greene county.

A bill to incorporate the town of Cornersville, in the county of Giles.

A bill to amend an act entitled an act to incorporate the Gallatin turnpike company.

A bill to extend the town of Sparta.

A bill to authorise Cain Broyles, of Greene county, to open and establish a turnpike road across Paint mountain.

A bill to appoint a commissioner on Hale's turnpike road in White and Bledsoe counties.

A bill for the relief of Wm. Pope. And

A bill for the benefit of Richard C. Napier, were severally read a third and last time in both Houses, passed and ordered to be enrolled.

A bill to amend an act entitled an act to compel the commissioners of the town of Lawrenceburgh, to close their business, and to appropriate the monies in their hands to county purposes, passed December 7th, 1821, and for other purposss. And

A bill to authorise the register of the Hiwassee District to issue grants in certain cases, were severally read a third time and passed.

A bill to extend the time allowed by law for the erection of certain turnpikes and bridges in the Western District.

A bill to regulate the receiving toll at Robert Jetton and John Elliott's turnpike gate, at Sandy Bridge, in Carroll county.

A bill to change the time of holding regimental drill musters. And

A bill to incorporate a Female Academy at Athens, were severally read a second time and passed.

Mr. McClellan withdrew for amendment,

A bill for the benefit of Joseph Hicks, Jailer of Hawkins county. And

Mr. Bradford,

A bill to incorporate the Tennessee manufacturing compony.

The Senate took up, on its third and last reading in both houses,

A bill providing for the entering of the forfeited lands in the Hiwassee District.

Mr. Anderson moved to strike therefrom so much of the proviso of said bill as excludes non residents from its benefits.

And thereupon the question was submitted, and determined in the affirmative—ayes 14, noes 6.

The ayes and noes being constitutionally demanded by Mr. Gillespy,

The affirmative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Field, Greene, Holman, M'Iver, Perkins, Polk, Wyly—14.

The negative voters are,

Mr. Frey, Gillespy, Jetton, Lytle, M'Clellan, Murray—6.

And so said motion prevailed.

Said bill was then withdrawn for amendment by Mr. Anderson.

Mr Gillespy withdrew and returned with an amendment in lieu of the second section,

A bill for the relief of John R. Charter.

Said amendment was received; and the bill being upon its third and last reading in both houses, it was ordered that the clerk ac-

quaint the House of Representatives therewith, and ask their concurrence therein.

A bill explanatory of an act entitled an act to authorise the entering and obtaining grants for any quantity of land under 5000 acres, and for other purposes, was, on motion of Mr. Anderson, indefinitely postponed.

A resolution from the House of Representatives proposing to adjourn the Legislature *sine die*, on Thursday the 15th of December next, was, on motion of Mr. Burford, taken up and read.

Mr. Anderson moved to lay it upon the table for the present. And the question thereon being had, it was determined in the negative—ayes 10, noes 10.

The ayes and noes being demanded constitutionally by Mr. Burford,

The affirmative voters are,

Mr. Anderson, Brabson, Davis, Gillespy, Greene, Holman, Jetton, M'Iver, Murray, Perkins—10.

The negative voters are,

Mr. Speaker Douglass, Andrews, Bradford, Burford, Field, Frey, Lytle, McClellan, Polk, Wyly—10.

And so said motion was lost.

Mr. Bradford then moved to lay the resolution upon the table until Thursday next; which motion prevailed. Ayes 12, noes 8.

The ayes and noes being constitutionally demanded,

The affirmative voters are,

Mr. Speaker, Anderson, Brabson, Bradford, Davis, Gillespy, Greene, Holman, Jetton, McIver, Murray, Perkins, 12.

The negative voters are,

Mr. Andrews, Burford, Field, Frey, Lytle, M'Clellan, Polk, Wyly—8.

And so said resoletion was ordered to the table until Thursday next.

On motion of Mr. Bradford,

The Senate took up and read the resolution heretofore submitted by him proposing to lay off and define the congressional districts in this State at the present session of the General Assembly.

And thereupon the question was submitted, Will the Senate adopt the resolution," and determined in the negative—ayes 5, noes 15.

The ayes and noes being demanded constitutionally by Mr. Bradford,

Those who voted in the affirmative are,

Mr. Speaker, Bradford, McClellan, Perkins, Wyly—5.

The negative voters are,

Mr. Anderson, Andrews, Brabson, Burford, Davis, Field, Frey,

Gillespy, Greene, Holman, Jetton, Lytle, McIver, Murray, Polk —15.

And so said resolution was rejected.

And then the Senate adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, NOVEMBER 29th, 1831.

Mr. Davis, from the committee on land claims, to whom was referred a bill for the benefit of Thomas L. Gray, of Haywood county, reported that the committee have had the same under consideration, and had instructed him to annex thereto, a proviso protecting occupants from the claim of said Thomas L. Gray; and with that amendment thereto, to recommend the passage of the bill.

Said report was concurred with, the bill read as amended the first time and passed.

Mr. Burford's resolution of yesterday, proposing to meet the House of Representatives in their hall on the 10th day of December next, for the purpose of recommending to the people the propriety of voting for the call of a convention at the next General elections in this State. And Mr. Gillespy's resolution of the same day directory to the President and Directors of the Bank of the State of Tennessee, were taken up, severally read, and ordered to lie on the table.

Mr. Brabson submitted the following:

Resolved, That the Senate meet the House of Representatives in their hall on the 10th day of December next, for the purpose of electing an entry taker for the county of Claiborne.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives hsve adopted a resolution appointing Justices of the Peace for the counties of Gibson, Dyer, Sumner, Giles and Campbell.

Said resolution was concurred in by the Senate, and the clerk ordered to acquaint the House of Representatives therewith.

The Speaker of the House of Representatives did this day sign enrolled bills and resolutions of the following titles, (to wit,)

An act for the benefit of Nancy McClanathan and Rebecca McIntosh.

An act to establish a third battalion in the 82d Regiment of the militia of this State.

An act to incorporate the inhabitants of the town of Randolph in the county of Tipton.

A resolution appointing a justice of the peace for Hickman county.

A resolution directory to the Governor of this State. And

A resolution directing the manner in which certain witnesses shall be paid. And then he withdrew.

The Speaker of the Senate signed said acts and resolutions, and ordered them to be deposited in the office of the Secretary of State.

Mr. Field returned with an amendment in lieu of the whole from the enacting clause, A bill to provide for the holding of a chancery court in the town of Monroe in Overton county, said amendment was received, and the bill withdrawn for further amendment by Mr. Burford.

Mr. Jetton introduced

A bill for the benefit of James Childress.

Mr. Brabson

A bill for the relief of Vredenburgh Thompson of Jefferson county, and for other purposes.

And Mr. Jetton

A bill to prevent fraudulent practices by the possession and removal of personal property in this State, which were severally read a first time and passed.

Mr. M'Clellan returned with an amendment providing for Montgomery Irvine former Jailer and Wm. Hartman present Jailer of Sullivan county, A bill for the benefit of Joseph Hicks Jailer of Hawkins county, said amendment was received, the bill read as amended a second time and passed.

Received from the House of Representatives,

A bill to authorize the drawing of a lottery for the purposes therein mentioned, which was read a first time and passed.

A bill to provide for the permanent establishment of the seat of Justice in Overton county, was read a second time and passed.

Mr. Bradford returned with an amendment in lieu of the whole, A bill to provide for the appointing of a board of commissioners of arbitrament for the decision of controversies, arising under the treaties of 1817 and 1819 concerning Indian reservations, and for other purposes, said bill and amendment were on motion of Mr. Bradford ordered to lie on the table.

Mr. Murray returned A bill to explain an act entitled an act, more effectually to restrain the taking of excessive usury, and offered as anamendment thereto the following, to wit:

Be it enacted that the taking and receiving usurious interest shall not be indictable in any court of record in this State,and that all laws or parts of laws coming within the meaning of this section be and the same is hereby repealed, and thereupon the question was had "Will the Senate receive said amendment?" and determined in the negative. Ayes 7—Noes 13

The ayes and noes being constitutionally demanded by Mr. Brabson,

The affirmative voters are,

Mr. Bradford, Davis, Holman, Jetton, Lytle, Murray, Perkins —7.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Burford, Field, Frey Gillespy, Greene, McClellan, McIver, Polk, Wyly—13.

And so said amendment was rejected.

Mr. Gillespy then offered the following additional section as an amendment to said bill, to wit:

Be it enacted, that no person shall be shall be subject to indictment for taking usurious interest, unless such indictment shall be prefered within twelve months after such offence shall have been committed, and thereupon the question was submitted, "Will the Senate receive said amendment?" and determined in the affirmative. Ayes 11—Noes 9.

The ayes and noes being demanded constitutionally by Mr. Greene,

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Bradford, Burford, Frey, Gillespy, Holman, Jetton, Lytle, Murray, Perkins—11.

The negative voters are,

Mr. Andrews, Brabson, Davis, Field, Greene, McClellan, McIver, Polk, Wyly—9.

And so said amendment was received. Said bill was then read as amended a second time, and the question thereon being had, "Shall the bill pass?" it was determined in the affirmative. Ayes 11—Noes 9.

The Ayes and Noes being demanded constitutionally by Mr. McClellan,

The affirmative voters are,

Mr. Speaker, Anderson, Brabson, Bradford, Burford, Frey, Gillespy, Holman, Lytle, Murray, Perkins—11.

The negative voters are,

Mr. Andrews, Davis, Field, Greene, Jetton, McClelan, McIver, Polk, Wyly—9.

And so said bill passed its second reading.

The Senate took up on its second reading,

A bill to authorize the construction of a bridge across Cumberland River at Nashville, above the mouth of Broad Street. Said bill being read and having undergone much discussion, Mr. Anderson moved to lay it upon the table, which motion was lost.—The Bill was then put upon its passage, and the question thereon being had, "shall the bill pass?" it was determined in the affirmative. Ayes 13—Noes 7.

The ayes and noes being constitutionally demanded by Mr. Burford,

Those who voted in the affirmative are,

Mr. Speaker, Bradford, Burford, Davis, Frey, Gillespy, Greene Lytle, McIver, Murray, Perkins, Polk, Wyly—13.

Those who voted in the negative are,

Mr. Anderson, Andrews, Brabson, Field, Holman, Jetton, McClellan—7.

And so said bill passed its second reading.

Mr. McIver introduced

A bill for the benefit of Wm. Lamb.

Mr. Gillespy,

A bill more speedily to procure the distribution of the public funds in the several counties in this State upon a basis of free white population.

And Mr. Greene,

A bill to explain and amend the laws concerning executions issued by Justices of the Peace on attachments, which were severally read a first time and passed.

A bill to amend an act entitled an act to establish turnpike bridges in the Western district.

A bill to amend an act entitled an act to incorporate the Big Hatchie turnpike company. And

A bill to incorporate the Columbia rail road company; were severally read a second time and passed.

A bill to authorise James McKinley and Lewis Fletcher to open a turnpike road, was read a third and last time in both houses, passed and ordered to be enrolled.

Mr. Gillespy withdrew, and returned with an amendment,

A bill to extend an act concerning the register of the Hiwassee district, passed the 2d October, 1827.

Said amendment was received, and the bill being upon its third and last reading in both Houses, it was ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A bill to authorise the drawing of a lottery to clear out the obstructions in Obeds river, and to build a bridge across the same, was taken up on its third and last reading. And the question thereon being had, "Shall the bill pass?" it was determined in the affirmatiue—ayes 12, noes 8.

The ayes and noes being demanded constitutionally by Mr. Murray,

The affirmative voters are,

Mr. Speaker, Anderson, Andrews, Bradford, Gillespy, Greene, Holman, Lytle, McIver, Perkins, Polk, Wyly—12.

The negative voters are,

Mr. Brabson, Burford, Davis, Field, Frey, Jetton, McClellan, Murray—8.

And so said bill passed its third and last reading in both Houses, with an order to be enrolled.

Mr. Anderson returned with an amendment,

A bill providing for the entering of the forfeited lands in the Hiwassee District.

Said amendment was amended by Mr. Gillespy, and received.

And the bill being upon its third and last reading in both Houses, it was ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Davis submitted the following:

Resolved, That the Judiciary committee be instructed to enquire, whether the Judges of the circuit courts in this State have jurisdiction in the county where a judgment is rendered in favor of a non-resident of said county to enjoin said judgment, and hear and determine said cause or not, and that they report by bill or otherwise.

Mr. Bradford returned

A bill to incorporate the Tennessee manufacturing company, with an amendment, which proposes to establish and incorporate a company in the town of Shelbyville, to be styled the Western Manufacturing Company.

Said amendment was received, and the bill being upon its last reading in both Houses, it was ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Polk from the committee of enrolments, reported as truly enrolled,

A resolution appointing Justices of the Peace for the county of Weakly.

A resolution appointing a Justice of the Peace for the county of Dickson.

A resolution appointing Justices of the Peace for Gibson county.

A resolution appointing a Justice of the Peace for the county of Dickson.

A resolution appointing a Justice of the Peace for the county of Henry.

A resolution appointing a Justice of the Peace for the county of Maury. And

An act to establish a town in the county of Henry. All of which were signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign enrolled bills of the following titles, (to wit:)

An act to authorise the Treasurer of East Tennessee to pay certain monies.

An act to authorise the Sheriff of Hardeman county to pay over certain monies.

An act to alter the time of holding the county courts of Dyer and Obion counties, and for other purposes.

An act to explain and amend an act passed in 1829, moreeffectually to provide for emancipating slaves And

An act to incorporate a board of internal improvement in East Tennessee. And

An enrolled resolution appointing Justices of the Peace for the counties of Gibson, Dyer, Sumner, Giles and Campbell. And then he withdrew.

The Speaker of the Senate signed said enrolled bills and resolution, and ordered them to be deposited in the office of the Secretary of State.

Mr. Burford presented the resignation of James Blackmore, surveyor of Sumner county, which was read, accepted, and ordered to be transmitted to the House of Representatives.

Mr. Burford also prerented the report of the President and Directors of the Bank of the State of Tennessee, made in obedience to a resolution adopted by the General Assembly on the 19th October last, requiring them to furnish a statement of the whole of the real estate belonging to the Bank; which was read and ordered to be transmitted to the House of Representatives.

On motion of Mr. Murray,

Ordered, That Mr. Davis be added to the committee on internal improvement in the Western District.

WEDNESDAY, NOVEMBER 30th, 1831.

Mr. McClellan presented the petition of J. R. Delaney and William K. Blair, asking compensation for guarding Labun B. Williams to the jail of Hawkins county; which was referred, on motion of Mr. McClellan, to the committee on claims.

Mr. Gillespy presented the petition of George W. Price; which was referred, on motion of Mr. Gillespy, to the committee on the Hiwassee district.

Mr. Davis' resolution of yesterday directory to the committee on the Judiciary. And

Mr. Brabson's resolution providing for the election of entry-

takers for the counties of Claiborne and Sumner, were taken up, severally read and adopted.

Mr. Polk from the committee of enrolments, reported as correctly enrolled,

An act to incorporate the Franklin Rail Road company.

An act to authorise the drawing of a lottery to clear out obstructions in Obeds river, and to build a bridge across the same. And

An act to extend the town of Sparta.

The Speaker of the Senate signed said enrolled bills, and ordered them to be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives concur with so much of the Senate's resolution appointing Justices of the Peace for Wayne county, as relates to Ephraim Churchwell, Wallis Hays, Samuel Seaton, Benjamin F. Sidden, Wm. B. Curtis, William Hinkle and Elijah Blackshear, and non-concur as to the balance.

They have adopted a resolution appointing Justices of the Peace for the counties of Shelby, Hardin and Franklin, in which they ask the concurrence of the Senate. And then he withdrew.

Mr. Polk introduced

A bill for the relief of Mary Guest, widow and relict of Joshua Guest, deceased, late Jailer of Maury county; which was read a first time and passed.

A bill for the relief of Joseph Brown, was taken up, and the amendment heretofore reported by the committee in lieu of the whole was received.

Said bill was further amended by Mr. Field, Mr. Perkins and Mr. Burford.

Mr. Bradford moved to strike out the second section thereof; which motion was lost—yeas 5, nays 15.

The yeas and nays being constitutionally demanded by Mr. Bradford,

Those who voted in the affirmative are,

Mr. Andrews, Bradford, Greene, McIver and Wyly—5.

The negative voters are,

Mr. Speaker Douglass, Anderson, Brabson, Burford, Davis, Field, Frey, Gillespy, Holman, Jetton, Lytle, M'Clellan, Murray, Perkins and Polk—15.

And so said second section was not stricken out.

The question thereupon being had, "Shall said bill pass?" it was determined in the affirmative—yeas 12, nays 8.

The yeas and nays being constitutionally demanded by Mr. Bradford,

Those who voted in the affirmative are,

Mr. Speaker Douglass, Anderson, Brabson, Burford, Davis, Field, Frey, Gillespy, Holman, Lytle, Perkins and Polk—12.

The negative voters are,

Mr. Andrews, Bradford, Greene, Jetton, McClellan, McIver, Murray and Wyly—8.

And so said bill passed its second reading in the Senate.

A bill to authorise Timothy Dotson to build a bridge, was read a third and last time in both Houses, passed and ordered to be enrolled.

Ordered, on motion of Mr. Polk, that Mr. Murray and Mr. Andrews be added to the committee of enrolments.

Mr. Greene submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the President and Directors of the bank of the State of Tennessee, report to this General Assembly the exact amount of the principal sum received from the one half of the sales of the Hiwassee lands, and which was not appropriated by the act of 1827, chapter 64, for the support of common schools in this State; shewing first the amount of deductions allowed by the acts of 1827 and 1829, on the same. Secondly, whether the monies appropriated for the building of the Penitentiary, has been taken from the sum so received by the act of 1827 aforesaid; and if so, what amount; and thirdly; what is the amount of the balance of the said one half of the monies received from the sales of the Hiwassee lands now subject to the appropriation of the Legislature.

And then the Senate adjourned.

THURSDAY MORNING, DECEMBER 1st, 1831.

Mr. Greene's resolution of yesterday directory to the President and Directors of the bank of the State of Tennessee, was taken up, read and adopted.

Mr. Frey introduced

A bill to remove the sittings of the Supreme court of errors and appeals, from Reynoldsburgh to Clarksville. And

Mr. Davis,

A bill to remove the Supreme court from Reynoldsburgh to Centreville; both of which were read a first time and passsd.

Mr. Burford submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That Berrym'n Turner and Thomas W. Page be, and they are hereby appointed, Justices of the Peace in and for the county of Smith. And the rule being suspended, said resolution was adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Gillespy submitted the following:

Resolved, That the record of the proceedings of the trial of the Honorable Joshua Haskell, Judge of the 8th Judicial circuit of this State, before the court of Impeachment of the State of Tennessee, be annexed to, and published with, the Journals of the Senate.

Mr. Davis introduced

A bill for the benefit of Hardin county. And

Mr. Greene,

A bill to compensate George W. Woods, Sergeant at arms, to the court of impeachment, on the trial of Joshua Haskell, Judge of the 8th Judicial circuit.

Said bills were severally read a first time and passed.

A bill to revive an act incorporating the turnpike company from Murfreesboro to Nashville, was amended by Mr. Bradford, read the third time and passed.

Ordered that Mr. Greene and Mr. McIver be added to the committee on Internal Improvement in the Western District.

Received from the House of Representatives,

A bill to incorporate a Female academy in the county of Rhea.

A bill to repeal the 13th section of an act passed 1799, chapter 10.

A bill to appoint additional Trustees for the Bolivar Academy in the county of Hardeman.

A bill to compel the owners of turnpike roads and toll bridges to keep the same in repair.

A bill declaratory of the law concerning contempts of courts.

A bill exempting citizens of Marion county attached to a troop of cavalry from attending regimental musters.

A bill to divorce Henry Anderson from his wife Fanny.

A bill to reduce the tax on Pedlars.

A bill to authorise M. H. Howard and others to build a mill or iron works across Big Sandy river, in the county of Henry.

A bill for the relief of Orange Ham, of Williamson county.

A bill to provide for the holding of a chancery court in Overton and Giles county.

A bill for the benefit of John B. Rogers and Archibald C. Rogers of Fentress county.

A bill for the relief of Charles McNally of McMinn county.

A bill to authorize George W. Wood to open a turnpike road.

A bill to reduce the fees of clerks in certain cases.

A bill to amend an act entitled an act to establish a system of common schools, and to appropriate the common school funds of the State, passed January 14th, 1830.

A bill supplemental to an act entitled an act providing for the

leasing of lands which have been set apart for the use of common schools and for the keeping of common English schools on the same in Middle Tennessee, passed October 29th, 1831.

A bill to repeal an act entitled an act to provide a permanent office for the public papers of the State.

A bill to distribute the surplus books in the Secretaries office and for other purposes.

A bill to grant a preference of Entry for a meeting house and camp ground.

A bill for the benefit of Daniel Madding.

A bill for the benefit of Samuel Ingham of Carroll county.

A bill to restore James Carroll of Campbell county to legal privileges.

A bill to repeal an act authorizing the mayor and aldermen of the town of Huntingdon to sell certain alleys, and for other purposes. And

A bill to prevent non-residents from grazing their stock in the the counties of Claiborne and Campbell, all of which were severally read a first time and passed.

Mr. Gillespy introduced

A bill to do justice to the several counties in thie State in wLich school taxes are collected. And

A bill for the benefit of the Regiment of Cavalry attached to the 12th Beigade Tennessee militia, which were severally read a first time and passed.

Mr. Polk from the committee on enrollments reported as truly enrolled, a resolution appointing justices of the peace for the county of Smith. Said resolution was signed by the Speaker and ordered to be transmitted to the House of Representatives.

A bill to indemnify such counties in this State as are deprived of apart of their county revenue by the act of assembly of August 14, 1822, and the compact entered into by the commissioners appointed by the provisions of said act, was taken up on its third reading and the question thereon being had "shall the bill pass?" it was determined in the affirmative. Ayes 13—Noes 6.

The yeas and nays being constitutionally demanded by Mr. M'Clellan,

The affirmative voters are,

Mr. Speaker, Andrews, Bradford, Davis, Frey, Gillespy Greene, Holman, Jetton, Lytle, M'Iver, Murray, Perkins—13.

The negative voters are,

Mr. Anderson, Brabson, Field, M'Clellan, Polk and Wyly—6.

And so said bill passed its third reading.

A bill to authorize the construction of a bridge across the Cumberland river at Nashville above the mouth of Broad street.

A bill to extend an act concerning the Register of the Hiwassee district, passed 2d October, 1827.

A bill providing for the entry of the forfeited lands in the Hiwassee district.

A bill to incorporate the Tennessee manufacturing company and for other purposes. And

A bill for the relief of John R. Charter, were severally read a third and last time in both houses, passed and ordered to be enrolled.

A bill to relieve the distresses of the good people of this State, was taken up on its second reading, and thereupon the question was had, "shall the bill pass?" and determined in the negative. Ayes 3—Noes 17.

The ayes and noes being constitutionally demanded by Mr. Murray,

The affirmative voters are,

Mr. Andrews, Gillespy, M'Clellan—3.

The negative voters are,

Mr. Speaker, Anderson, Brabson, Bradford, Burford, Davis, Field, Frey, Greene, Holman, Jetton, Lytle, M'Iver, Murray, Perkins, Polk, Wyly—17.

And so said bill was rejected:

Mr. Holman introduced

A bill to authorise Elizabeth Kenner of the county of Jackson to sell certain lands which was read a first time and passed.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign enrolled bills of the following titles, to wit:

An act to amend an act entitled an act to compel the oommissioners of the town of Lawrenceburg to close their business and to appropriate the monies in their hands to county purposes, passed December 7th, 1829, and for other purposes.

An act for the relief of the Surveyors general of the 13th and 11th districts. And

An act to establish precinct elections in the places therein mentioned.

The House of Representatives have adopted a resolution appointing justices of the peace for the counties of Shelby, Hardin and Franklin in which they ask the concurrence of the Senate. The house concur with the Senate's Resolution appointing Justices of the peace for the county of Smith. And then withdrew.

Whereupon

The Speaker of the Senate signed said enrolled bills, and ordered them to be deposited in the office of the Secretary of State.

Ordered, That the Senate concur in the Resolution from the House of Representatives appointing justices of the peace for the

counties of Shelby, Hardin and Franklin, and that the clerk acquaint the House of Representatives therewith.

The Senate took up on motion of Mr. M'Clellan, the resolution from the House of Representatives proposing to adjourn the present General Assembly *sine die*, on Thursday the 15th day of this month, and prohibiting the introduction of any and all bills into either branch of the Legislature, after the 5th day of the same month. Mr. Field moved a non-concurrence, with so much of said resolution as probibits the introduction of bills after the said 5th day, which motion prevailed. Ayes 13—Noes 7.

The Ayes and Noes being demanded constitutionally by Mr. McClellan,

The affirmative voters are,

Mr. Anderson, Brabson, Davis, Field, Frey, Gillespy, Greene, Holman, Jetton, Lytle, McIver, Murray, Perkins—13.

The negative voters are,

Mr. Speaker, Andrews, Bradford, Burford, M'Clellan, Polk, and Wyly—7

And so said motion prevailed.

Mr. Gillespy then moved the indefinite postponement of the remainder of the resolution; which motion was lost—ayes 10, noes 10.

The ayes and noes being demanded constitutionally by Mr. McClellan,

The affirmative voters are,

Mr, Brabson, Davis, Gillespy, Greene, Holman, Jetton, Lytle, M'Iver, Murray, Perkins—10.

The negative voters are,

Mr. Speaker, Andrews, Anderson, Bradford, Burford, Field, Frey, McClellan, Polk, Wyly, 10.

And so said motion was overruled

Mr. Anderson then moved a non-concurrence. And thereupon the question was had, "Will the Senate non-concur?" and determined in the affirmative. Ayes 11, noes 9.

The ayes and noes being demanded constitutionally by Mr. McClellan,

The affirmative voters are,

Mr. Andrews, Anderson, Brabson, Davis, Gillespy, Greene, Holman, Jetton, Lytle, Murray, Perkins, 11.

The negative voters are,

Messrs. Speaker, Bradford, Burford, Field, Frey, M'Clellan, McIver, Polk and Wyly—9.

And so said motion prevailed.

The Senate took up the resolution heretofore submitted by Mr. Burford, proposing to adjourn the present session of the General Assembly on the 10th day of December, inst. and prohibiting the introduction of bills after this day.

Mr. Davis moved to strike out the word "tenth," forthe purpose of inserting the words "twenty-second;" which motion prevailed, ayes 11, noes 9.

The ayes and noes being constitutionally demanded by Mr. Bradford,

The affirmative voters are,

Mr. Brabson, Davis, Gillespy, Greene, Holman, Jetton, Lytle, McIver, Murray, Perkins, Polk—11.

The negative voters are,

Mr. Speaker, Andrews, Anderson, Bradford, Burford, Field, Frey, McClellan, Wyly—9.

And so said motion prevailed.

Said resolution was further amended, on motion of Mr. Gillespy. by striking therefrom the first day of December, and substituting in lieu thereof the 12th day of December, as the time limited for the introduction of bills, unless reported by a committee. The resolution was then read as amended and adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives concur in your resolution, appointing a joint select committee to enquire into the expediency of extending the laws of this State to the southern boundary thereof, over the territory at present occupied by the Cherokee Indians; and have appointed Mr. Brown, Dunlap, Holland, Gordon, Hurst and Mr. Watkins, to be of said committee on the part of the House of Representatives. And then he withdrew.

Whereupon the Speaker appointed Mr. Greene, Brabson, Davis and Gillespy, to be of said committee on the part of the Senate.

A bill for the relief of Nathan Jobe.

A bill to incorporate the Clarksville and Russellville rail road company,

A bill for the benefit of Joseph Daney.

A bill supplemental to an act entitled an act to appropriate the school lands in the Hiwassee District to the use of schools for the instruction of children therein; passed at the present session of the General Assembly.

A bill to provide for the payment of patrols.

A bill for the relief of Cullen and Wyly Bayles, and for other purposes.

A bill concerning the correction of grants, plats and certificates, and for other purposes.

A bill for the benefit of Field Farrow, clerk of Dickson county court.

A bill to authorise the commissioners of the Western District turnpike road, to rescind the contract existing between said commissioners and John Thomas, jr. and for other purposes.

A bill to provide for the payment of the members, clerks and doorkeepers, of the present General Assembly, and to reduce the pay of the Judges of the Supreme, chancery and circuit courts.

A bill to compensate Samuel G. Smith for services performed, and monies expended, in the service of the State.

A bill to tax the retailers of spiritous liquors, and to appropriate the monies arising therefrom to common schools.

A bill prescribing certain duties to the clerks of the several courts in this State.

A bill to repeal an act passed in the year 1827, authorising Isaac and Lewis Miller to erect a mill dam on Clinch river.

A bill concerning the publication of the decisions of the Supreme court of this State. And

A bill to provide for the circulation and preservation of the Journals of the Congress of the United States, were severally read a second time and passed.

Mr. Brabson withdrew for amendment,

A bill relative to the registration of deeds, and for other purposes. And

Mr. Anderson,

A bill to increase the revenue in the different counties in this State.

And then the Senate adjourned.

FRIDAY MORNING, DECEMBER 2nd, 1831.

Mr. Murray presented the petition of sundry citizens of Carroll county, praying an alteration in the laws of the State in relation to Bastardy, which was referred, on motion of Mr. Murray, to the committee on the Judiciary.

Mr. Murray also presented the return of the clerk of the county court of Obion county, shewing the quantity of land listed for taxation in said county for the year 1830, and the amount of tax collected by him for the same year; which was referred, on motion of Mr. Murray, to the committee on finance.

Mr. Murray also presented the certificate of said clerk, shewing the number of captains' companies and Justices of the Peace in said county; which was referred to the committee. And also the resignation of John Cooper, Justice of the Peace for Carroll county; which was, on motion of Mr. Murray, ordered to be at-

tached to a resolution submitted by him, appointing a Justice of the Peace for said county, and a Justice of the Peace for Carroll county

Mr. Polk from the committee of enrolments, reported as truly enrolled,

An act to authorise James McKinley and Lewis Fletcher to open a turnpike road, and for other purposes.

An act appointing a commissioner to receive Justices' papers in Knox county.

An act to incorporate the Franklin and Columbia turnpike company.

An act to establish the Montgomery Rangers.

An act for the benefit of Nathaniel B. Butler.

An act for the relief of George W. Churchwell.

An act to amend an act entitled an act to extend the corporation of the town of Brownsville, passed December 23, 1829.

An act to authorise a lottery for the continuation of Union street in the city of Nashville. And

An act to exempt the militia of the 58th regiment, in the county of Morgan, from attending battalion musters.

Said enrolled bills were signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

Mr. McIver from the committee on propositions and grievances, to whom was referred, a bill for the relief of John Key and Thomas White, of Anderson county, and William Plumlee of Knox county, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to advise its passage.

Mr. Murray moved to amend said bill by inserting a provision therein for the benefit of Simpson Organ, of Wilson county.

Mr. Greene moved further to amend by extending its provisions to John Grayson, of Monroe county; both of which amendments were received, the bill read as amended a second time and passed.

Mr. McIver from the same committee, to whom was referred a bill for the benefit of Mitchell and Banks—a bill for the relief of Larkin H. Bowling—a bill for the benefit of Benjamin Davis, of Henry county—and a bill for the benefit of the executors and legal representatives of Robert H. Dyer, deceased—reported that the committee have had the same under consideration, think the provisions of said bill reasonable, and had instructed him to recommend their passage.

Said report was concurred in, the bills severally read a first time and passed.

Mr. Greene from the committee of internal improvement, to whom was referred, a bill to open and keep in repair the ford road in the counties of Sullivan and Hawkins, reported that the

committee have had the same under consideration, and had instructed him to advise the rejection of the second section thereof, and the passage of the remainder.

Mr. Gillespy moved to add the following to the first section thereof, (to wit:) "And that said road is hereby declared to be a public road of the second class;" which motion prevailed.

The said bill was further amended, on motion of Mr. Brabson, by striking therefrom the words "fifty dollars," and inserting in lieu thereof the words "twenty-five dollars," as a fine upon overseers failing to keep said road in repair.

And thereupon the question was submitted, "Will the Senate concur with the report of the committee?" and determined in the affirmative—ayes 11, noes 9.

The ayes and noes being demanded constitutionally by Mr. Brabson,

The affirmative voters are,

Mr. Speaker, Anderson, Burford, Field, Greene, Holman, Jetton, M'Clellan, Perkins, Polk, Wyly—11.

The negative voters are,

Mr Andrews, Brabson, Bradford, Davis, Frey, Gillespy, Lytle, McIver, Murray—9.

And so said report was concurred in.

Whereupon the said second section was stricken out, the bill read as amended a second time and passed.

Mr. Greene from the same committee, to whom was referred a bill to amend an act entitled an act to incorporate the Nashville and Franklin turnpike company, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to recommend its passage.

Said bill was then read a second time and passed.

Mr. Greene from the same reported favorably on a bill for the relief of the commissioners appointed by the General Assembly of 1829, to superintend the erection of bridges across Doe river in the county of Carter.

Said bill was read a first time and passed.

Mr. Greene from the same, to whom was referred the petition of Robert Burke, jr.—and a resolution directory to the said committee instructing them to enquire into the expediency of making an appropriation out of the public funds to pay hands for working on the public roads in the several counties in this State, reported that the committee have had the same under consideration, think them unreasonable, and recommend their rejection.

Said report was concurred in by the Senate.

Mr. Gillespy's resolution of yesterday, in relation to attaching the records of the court of impeachment to the Journals of the Senate, was ordered to lie on the table.

Mr. Murray submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That Thomas J. N. Bridges be, and he is hereby appointed, a Justice of the Peace for the county of Carroll; and that Henry D. Logan be, and is hereby appointed, a Justice of the Peace for the county of Obion. And the rule being suspended on motion of Mr. Murray, said resolution was adopted.

Ordered, That the clerk acquaint the House ot Representatives therewith, and ask their concurrence therein.

Mr. Davis introduced

A bill for the benefit of Daniel Beeler. And

A bill for the relief of John Baylor; which were severally read a first time and passed.

Mr. Gillespy from the committee on the Judiciary, to whom was referred a bill to repeal an act entitled an act to explain and amend an act entitled an act to regulate certain proceedings on executions, and for other purposes; passed November 27th, 1829, reported that the committee have had the same under consideration, and had instructed him to report an amendment in lieu of the whole from the enacting clause.

Said amendment was received, read as amended, and passed its second reading.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign an enrolled bill entitled, an act to authorise Jose C. Dew & co. to build a toll bridge across Falling Water, in White county.—The House of Representatives have adopted a resolution appointing Justices of the Peace for the counties of Sumner, Perry, Maury, Grainger and Anderson, in which they ask the concurrence of the Senate. And then he withdrew.

Whereupon the Speaker signed said enrolled bill, and ordered it to be deposited in the office of the Secretary of State.

On motion of Mr. Brabson,

Ordered, That so much of the resolution appointing James Boyd and others, Justices of the Peace for Grainger county, be laid upon the table. The remainder of said resolution was then read and concurred in.

Ordered that the clerk acquaint the House of Representatives therewith.

Received from the House of Representatives,

A bill to change the time of holding battalion musters in the 22nd regiment of Tennessee militia. A bill to explain and amend the acts of 1824, chapter 17, and 1825, chapter 57, concerning insolvent debtors. A bill to compel certain persons to pay for the use and occupation of lands in certain cases. A bill to declare navigable, Knobb creek in the county of Sevier. A bill to

prevent impostions from being practised by the citizens of one county upon those of another. A bill for the relief of Wm. Polk. A bill for the relief of David Weir, of Carroll county. A bill requiring the acts of a general and public nature to be bound. A bill for the benefit of Henry Lightfoot and Joseph Hodge. A bill for the relief of the heirs of Thomas Alsup, deceased. A bill to establish the town of Batavia, in Carroll county A bill to include the residence of John Andrews in the county of Giles. A bill to authorise Jesse Matlock to erect water works on a sluice in the Tennessee river; all of which were severally read a first time and passed.

Mr. Anderson returned with an amendment,

A bill to increase the revenue of the different counties in this State.

Said amendment was received, and the bill referred, on motion of Mr. Burford, to a select committee. The Speaker appointed Mr. Burford, Anderson, Perkins, Gillespy, Greene and Murray, said committee.

The Senate took up a bill concerning free persons of color, and for other purposes. Mr. Burford offered the following amendment, to wit: Be it enacted, that all laws and parts of laws heretofore passed giving to any of the courts in this State the right or power to emancipate slaves be, and the same is hereby repealed, and thereupon the question was had "Will the Senate receive said amendment?" and determined in the negative. Ayes 5—Noes 15.

The ayes and noes being demanded constitutionally by Mr. Gillespy,

Those who voted in the affirmative are,

Mr. Bradford, Burford, Holman, Lytle, McClellan,—5.

The negative voters are,

Speaker, Andrews, Anderson, Brabson, Davis, Field, Frey, Gillespy, Greene, Jetton, McIver, Murray, Perkins, Polk, Wyly—15.

And so said amendment was rejected.

Mr. Bradford moved to amend by striking out so much of said bill as provides for selling such free persons of color, under certain circumstances, and thereupon the question was submitted "Will the Senate make the amendment?" and determined in the affirmative. Ayes 17—Noes 3.

The ayes and noes being constitutionally demanded by Mr. Burford,

The affirmative voters are,

Mr. Speaker, Andrews, Anderson, Brabson Bradford, Davis, Field, Frey, Gillespy, Jetton, Lytle, McClellan, McIver, Murray, Perkins, Polk, Wyly—17.

The negative voters are,

Mr. Burford, Greene, Holman—3.

And so said motion prevailed.

Mr. Murray then asked and obtained leave to withdraw said bill for further amendment,

Mr. Greene introduced

A bill to compensate John C. Haley and his son John Haley, for money expended and labor done in removing obstructions in the Tennessee river, which was read a first time and passed.

Mr. Davis withdrew for amendment

A bill for the relief of Joseph P. Neely and James C. Neely of Jackson county.

A bill to extend the time allowed by law for the erection of certain turnpikes and bridges in the Western disirict, and for other purposes.

A bill to prevent the violation of graves and the disturbance of the dead.

A bill to incorporate a female academy in the town of Athens. And

A bill for the benefit of Wm. Moore of Gibson county, were severally read a third and last time and ordered to be enrolled.

Received from his Excellency William Carroll, a communication in relation to the South boundary line of this State, together with the correspondence between himself and the governor of the State of Mississippi, and the report of J. Thomson upon that subject, which were read and referred on motion of Mr. Burford to the committee on the dividing line between the States of Tennessee and Mississippi.

A bill to provide for the taking of the enumeration of the free male inhabitants of this State, was referred on motion of Mr. Frey to the committee on that subject.

A bill to release Hales' turnpike road from the payment of a State tax.

A bill to provide the manner in which cost shall be paid in criminal cases and for other purposes.

A bill for the benefit of John Wallers of Smith county.

A bill for the relief of persons who are about to be injured by the hurricane at Charlotte in 1830.

A bill for the relief of Jonas B. Lyles of Obion county.

A bill for the benefit of Robert Jetton and John Elliot.

A bill to allow the Sheriffs of Dyer and Obion counties, longer time for the payment of certain taxes. And

A bill to encourage the manufacture of Iron in this State, were severally read a second time and passed.

Mr. Wyly withdrew for amendment,

A bill to authorize the county courts to grant license to retail merchandize in certain cases.

A bill for the benefit of the purchasers of lots in the town of Somerville, was read a third time and passed.

A bill to provide for the permanent establishment of the seat of justice in Overton county.

A bill to define and extend the jurisdiction of justices oft e peace.

A bill for the heirs and creditors of James Peake; dec'd. of White county, were taken up on their third and last reading in both houses, severaly read and amended.

Ordered that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

And the Senate adjourned.

SATURDAY MORNING, DECEMBER 1, 1831.

Mr. Davis presented the petition of Colia Tanner, praying to be divorced from her husband John Tanner, which was referred on motion of Mr. Davis to the committee on divorces.

Mr. Murray presented a copy of a grant from the State of North Carolina to Samuel M'Graw, with other papers relating to said claim which was referred on motion of Mr. Murray to the committee on land claims.

Mr. M'Iver presented a memorial from the merchants and other citizens of Madison county, praying the establishment of a bank in this State, which was read and on motion of Mr. McIver ordered to be transmitted to the House of Representatives.

Mr. Frey from the committee on Finance to whom was referred A bill to appropriate the taxes arising from shows to county purposes, reported that the committee have had the same under consideration, think its provisions reasonable and had instructed him to recommend its passage, said report was concurred in, the Bill read a second time andp ss ed.

Mr. Davis from the committee on Land claims, to whom was referred A bill for the benefit of Hugh Dunap reported that the committee have had the same under consideration and had instructed him to report an amendment in lieu of the whole; on motion of Mr. Brabson, ordered that the said bill and report be laid upon the table.

Mr. Greene from the committee on internal improvement, to whom was referred, A resolution directing said committee to inquire into the propriety of authorizing the county courts to lay a tax for the purpose of keeping up the public roads, reported A bill to authorize the county courts in the several counties in this State to lay a tax to keep up the public roads in this state; said bill was read a first time and passed.

Mr. Polk from the committee on enrollments reported as truly enrolled,

An act to incorporate the Tennessee manufacturing company, and for other purposes.

The Senate took up,

A Bill to repeal part of an act entitled an act to reform and amend the penal laws of the State of Tennessee; passed the 9th December, 1829. Upon which, Mr. Holman, as chairman of the committee on the penitentiary, had heretore, (to wit:) on the second day of November last, reported unfavorable

Mr. Bradford offered the following amendment thereto:

That the provisions of said act, which subject persons to penitentiary confinement, who may in personal combat bite off the finger or thumb of his adversary be, and the same is hereby repealed; and that offenders of this description be punished in the manner provided for by law previous to the passage of an act establishing a penitentiary.

And thereupon the question was submitted, "Will the Senate receive said amendment?" and determined in the negative—ayes 8, noes 11.

The ayes and noes being demanded constitutionally by Mr. Bradford,

The affirmative voters are,

Mr. Speaker, Bradford, Field, Jetton, M'Clellan, Murray, Perkins, Wyly—8.

The negative voters are,

Mr. Anderson, Brabson, Burford, Davis, Frey, Gillespy, Green, Holman, Lytle, McIver, Polk—11.

And so said amendment was rejected.

Mr. Bradford then offered the following amendment thereto, (to wit:)

That the commission of any of the offences enumerated in the 55th section of the law establishing a penitentiary, shall not be considered malicious, unless express malice is proved by the State.

And thereupon the question was had, "Will the Senate receive said amendment?" and determined in the negative—ayes 8, noes 11.

The ayes and noes being demanded constitutionally by Mr. Bradford,

Those who voted in the affirmative are,

Mr. Speaker, Bradford, Field, Jetton, McClellan, Murray, Perkins, Wyly—8.

The negative voters are,

Mr. Anderson, Brabson, Burford, Davis, Frey, Gillespy, Greene, Holman, Lytle, M'Iver, Polk—11.

And so said amendment was rejected.

Mr. Bradford then offered the following as an amendment thereto, (to wit:)

That no conviction for the offence included in the 55th section of the act establishing a penitentiary for biting off a finger or thumb in personal combat shall be had, unless express malice be proved.

And thereupon the question was had, "Will the Senate receive the amendment?" and determined in the negative—ayes 8, noes 11

The ayes and noes being demanded constitutionally by Mr. Bradford,

The affirmative voters are,

Mr. Speaker, Bradford, Field, Jetton, M'Clellan, Murray, Perkins, Wyly—8.

The negative voters are,

Mr. Anderson, Brabson, Burford, Davis, Frey, Gillespy, Greene, Holman, Lytle, McIver, Polk—11.

And so said amendment was rejected.

Mr. Burford then moved a concurrence with the report of the committee.

And thereupon the question was submittdd, and determined in the affirmative—ayes 11, noes 8.

The ayes and noes being demanded,

Those who voted in the affirmative are,

Mr. Anderson, Brabson, Burford, Davis, Frey, Gillespy, Greene, Holman, Lytle, McIver, Polk—11.

The negative voters are,

Mr. Speaker, Bradford, Field, Jetton, McClellan, Murray, Perkins, Wyly—8.

And so said bill was rejected.

A bill to make lawful grants and entries within five miles of the narrows of Harpeth.

A bill for the benefit of the former jailer of Marion county.

A bill for the benefit of Azer Wyley.

A bill to amend the penal laws in this State; passed in 1829 and 1830.

A bill to incorporate the town of Liberty, in Smith county.

A bill to prevent trespasses upon school lands in the county of Warren.

A bill to amend the laws on the subject of the chancery courts in this State.

A bill to alter the line between Overton and Fentress counties, so as to include Willis Huddleston in Overton county.

A bill to amend the laws now in force, regulating the town of Jonesboro, in the county of Washington.

A bill to amend an act entitled an act for the relief of occupants south and west of the congressional reservation line; passed at Nashville, the 30th December, 1829.

A bill to amend an act entitled an act to make entries liable to

execution in the Hiwassee District; passed December 12th, 1827.

A bill to authorise the erection of turnpike bridges and causeways across the middle and little north forks and bottoms of Forked Deer river, in Gibson county.

A bill for the benefit of Wm. Lamb. And

A bill to explain and amend the law concerning executions issued by a Justice of the Peace on attachments, were severally read a second time and passed.

Mr. Murray returned with an amendment,

A bill concerning free persons of color, and for other purposes.

Said bill and amendment were, on motion of Mr. Bradford, ordered to the table.

Mr. Polk introduced

A bill to incorporate the Columbia Female Academy.

Mr. Gillespy,

A bill to encourage manufactures in this State. And

Mr. Perkins,

A bill to establish a board of internal improvement for the mountain District, which were severally read a first time and passed.

Received from the House of Bepresentatives,

A bill to appropriate a sum of money to aid free persons of color to remove to Liberia in Africa. A bill to establish a company to be called the Nashville Greys. A bill to amend the Judiciary system of this State. A bill appropriating funds and organizing a board to improve Cumberland river. A bill for the relief of Robert P. Harrison, surveyor General of the second surveyor's district. A bill to authorise a division in the 1st regiment in the county of Washington. A bill to incorporate a company to open a turnpike road in a direction from Nashville to Harpeth river, via Charlotte, to the Western District. A bill to render competent freeholders and householders, to set on the trial of slaves. A bill for the relief of Wm. Thompson, and others. A bill for the benefit of James O. K. Wood. And a bill supplemental to an act passed at the present session of the General Assembly, to dispose of the forfeited lands in the Hiwassee District; all of which were severally read a first time and passed.

A bill for the relief of Wilson Sanderlin and others, was read a third time and passed.

And then the Senate adjourned.

DECEMBER 5th, 1831.

Mr. Gillespy presented the petition of sundry citizens of the

third fractional township, and 3rd range, east of the meridian Hiwassee district; which was referred, on motion of Mr. Gillespy, to the committee on education.

Mr. Polk from the committee on enrollments, reported as truly enrolled.

An act to enable the citizens of Dickson county to build a court house in said county, and for other purposes.

An act to establish a town in the county of Greene,

An act for the benefit of the people living on Cumberland mountain in Warren county.

An act to establish a new militia company in the county of Wilson, and for other purposes.

An act to compensate Jurors, in the county of Sullivan.

An act to appropriate certain money to the improvement of the navigation of Big Sandy River.

An act for the benefit of Jesse Savage.

A resolution appointing Justices of the Peace for the county of Maury. And

A resolution appointing Justices of the Peace for the counties of Carroll and Obion.

Said enrolled bills and resolutions were signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

Mr. Field submitted the following:

Resolved, by the General Assembly of the State of Tennessee, that a joint select committee on captains' companies and Justices of the Peace, be appointed, who shall furnish the Secretary of State with the number of magistrates now in commission in each county of this State; and that the Secretary distribute Haywood and Cobb's Revisal as well as the acts of this General Assembly, in accordance with such list of magistrates as may be reported by said committee.

And the rule being suspended, on motion of Mr. Field said resolution was adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Gillespy submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That the cashier of the Bank of the State of Tennessee be, and he is hereby required, to furnish the General Assembly with the names of all such persons as have notes now in bank under discount, and which have not been renewed within the last six months.

And also the following:

Resolved, by the General Assembly of the State of Tennessee, That certificate land warrant, No. 935, for three hundred acres of land, be referred to the Secretary of State for adjudication;

and if the same shall appear to have been issued agreeably to law, he shall issue a certificate for the quantity of land therein, to the person entitled to the same, to be located on any lands south and west of the congressional reservation line, not otherwise appropriated.

On motion of Mr. Murray, the Senate took up and read

A bill to amend the laws in force in this State on the subject of turf racing.

Mr. Murray moved to amend by striking therefrom the amendment made thereto by the House of Representatives, for the purpose of reinstating the original bill.

And thereupon the question was had, "Will the Senate make the amendment?" and determined in the negative—ayes 7 noes 11.

The ayes and noes being demanded constitutionally by Mr. Murray,

The affirmative voters are,

Mr. Speaker, Bradford, Davis, Gillespy, Jetton, Lytle, Murray, Wyly—8.

The negative voters are,

Mr. Andrews, Anderson, Brabson, Burford, Field, Frey, Holman, M'Clellan, M'Iver, Perkins, Polk—11.

And so said amendment was rejected.

Mr. Holman then moved the indefinite postponement of said bill, which motion prevailed.

Mr. Perkins introduced

A bill for the encouragement of domestic manufactures. And

Mr. Holman

A bill to extend the 12th judicial circuit of this State, which were severally read a first time and passed.

Received from the House of Representatives,

A bill to amend the Judiciary system of the State of Tennessee. Mr. Field offered an amendment thereto, in lieu of the whole, which was received, the bill was then read as amended a first time and passed.

Mr. Davis returned with an amendment which was received,

A bill for the relief of James P. Neally and James C. Nealy of the county of Jackson, said bill was read a second time and passed.

Mr Murray introduced

A bill for the relief of the persons therein named, which was read a first time and passed.

Mr. Anderson withdrew A bill limiting prosecutions for misdemeanors.

The Senate took up on its 2d reading,

A bill to regulate the Academies in this State; Mr. Gillespy offered the following as an amendment, to wit:

And the appointment thus made by said trustees shall be by

said board of trustees, reported to the next session of the General Assembly for confirmation or rejection, and if the legislature shall fail to confirm said appointments, or to appoint another, or others in their stead such appointments, or appointments shall be considered null and void, and thereupon the question was submitted, "Will the Senate receive said amendment?" and determined in the negative. Ayes 3—Noes 16.

The ayes and noes being demanded constitutionally by Mr. Burford,

The affirmative voters are,

Mr. Gillespy, Greene, Lytle—3.

The negative voters are,

Mr. Speaker, Anderson, Brabson, Bradford, Burford, Davis, Field, Frey, Holman, Jetton, McClellan, McIver, Murray, Perkins Polk, Wyly—16.

And so said amendment was rejected, said bill was then read a second time and passed.

Mr. Murray withdrew for amendment,

A bill to amend an act entitled an act for the benefit of common schools, passed January 1st, 1830.

Mr. Davis from the committee on Land claims reported, A bill for the relief of Thomas Fite and Jeptha Billingsly, said bill was read a first time and passed.

Mr. Brabson introduced

A bill for the repeal the 1st section of an act entitled an act to prevent appeals in cases of roads operating as supercedas, passed January 1830.

Which was read the first time and passed.

The Senate took up on its second reading.

A bill to amend an act entitled an act to authorize Allen McDonald to open a turnpike road; Mr. Bradford offered the following as an amendment thereto, to wit:

Be it enacted, that the Western manufacturing company created by an act of the present General Assembly at Shelbyville shall have and enjoy a right at the office which they may open for the transaction of their business and the sale of the manufactured articles; to vend such other articles not the growth or manufacture of this State, as they may think proper; or which will add to the general utility of said company by exchanging them for raw materials, any law usage or customs to the contrary notwithstanding. And thereupon the question was had "Will the Senate receive said amendment and determined in the negative. Ayes 6—Noes 10.

The Ayes and Noes being demanded constitutionally by Mr. Burford,

The affirmative voters are,

Mr. Speaker, Andrews, Bradford, Holman, Lytle, Murray, 6.

The negative voters are,

Mr. Brabson, Burford, Field, Frey, Gillespy, Greene, McClellan, McIver, Polk, Wyly, 10.

And so said amendment was rejected, and thereupon the said bill was read a second time and passed.

Mr. Brabson returned a bill to improve the navigation of Obeds river in the counties of Overton and Fentress, and offered thereto the following amendment,

Be it enacted, that the Treasurer of East Tennessee be, and he is hereby authorized to pay to the commissioners of the Bean Station turnpike road five hundred dollars, to complete said road over Clinch mountain out of any money in the Treasury not otherwise appropriated, and the receipt of said commissioners, shall be a good voucher on the settlement of his accounts. And thereupon the question was submitted, "Will the Senate receive said amendment?" and determined in the negative. Ayes 5—Noes 15.

The ayes and noes being demanded constitutionally by Mr. Wyly,

The affirmative voters are,

Mr. Brabson, Holman, Lytle, McClellan, Perkins, 5.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Bradford, Burford, Davis, Field, Frey, Gillespy, Greene, Jetton, McIver, Murray, Polk, Wyly, 15.

And so said amendment was rejected, whereupon the said bill was read a second time and passed.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives concur in your resolution appointing a Justice of the Peace for the county of Obion, and a justice of the peace for the County of Carroll. They concur with your resolution directory to the President and Directors of the bank of the State of Tennessee. They have accepted the resignation of Valentine D. Barry, attorney general for the 15th Solicitorial district. They have adopted a resolution referring grants No. 358, 575 and 640 to the Secretary of State for adjudication, and a resolution appointing justices of the peace for counties of Humphreys and Wayne, in which they ask the concurrence of the Senate. The Speaker of the House of Representatives did this day sign an enrolled resolution appointing Justices of the Peace for the counties of Sumner, Perry, Maury and Anderson. The House of Representatives concur with the amendments proposed by the Senate to a bill to provide for the permanent establishment of the seat of Justice in Overton county; and in the amendment proposed to a bill for the benefit of the heirs

and creditors of James Peak, deceased, of White county. And then he withdrew.

Whereupon the resignation of Valentine D Barry, was read and accepted.

The resolution referring grants No. 358, 575 and 640, to the Secretary of State; and so much of the resolution as appoints Justices of the Peace for Wayne county, were, on motion of Mr. Davis, ordered to the table.

The Speaker of the Senate signed the resolution appointing Justices of the Peace for the counties of Sumner, Perry, Maury and Anderson, and ordered it to be deposited in the office of the Secretary of State.

The bill to provide for the permanent establishment of the seat of Justice in Overton county, was then read as amended a third and last time in both Houses, passed and ordered to be enrolled.

And the bill for the benefit of the heirs and creditors of James Peak, deceased, of White county, was, on motion of Mr. Holman, ordered to the table.

Received from the House of Representatives,

A bill to extend the Lynchburgh and New River Rail Road to Knoxville. And

A bill to render the lands lying between Walker's and the true line of North 36° 30' subject to taxation; which were severally read a first time and passed.

A bill explanatory of an act entitled an act to help and speed poor persons in obtaining their just rights, was, on motion of Mr. Burford, indefinitely postponed.

A bill to exempt certain persons from mustering in Rhea county.

A bill to prevent sheriffs and other officers holding elections from opening the tickets. And

A bill for the relief of Mary Guest, widow and relict of Joshua Guest, deceased, late jailer of Maury county, were severally read a second time and passed.

The Senate took up

A bill for the relief of Miller Isbel and others therein named.

Mr. Field moved to amend said bill by striking therefrom all that part thereof which provides for the payment of attornies' fees.

And thereupon the question was had, "Will the Senate make the amendment?" and determined in the negative—ayes 5, noes 15.

The ayes and noes being demanded constitutionally by Mr. Bradford,

The affirmative voters are,

Mr. Speaker, Bradford, Davis, Field, Perkins—5.

The negative voters are,

Mr. Andrews, Anderson, Brabson Burford, Frey, Gillespy, Greene, Holman, Jetton, Lytle, McClellan, McIver, Murray, Polk, Wyly—15

And so said amendment was rejected.

Whereupon said bill was read a second time and passed.

The Senate took up and read, on motion of Mr. Holman,

A bill for the benefit of the heirs and creditors of James Peak, deceased, of White county.

And thereupon the question was submitted, "Shall the bill pass?" and determined in the affirmative—ayes 11, noes 6.

The ayes and noes being constitutionally demanded by Mr. Gillespy,

The affirmative voters are,

Mr. Speaker, Andrews, Brabson, Bradford, Frey, Holman, Jetton, Lytle, McIver, Perkins, Wyly—11.

The negative voters are,

Mr. Davis, Field, Gillespy, Greene, McClellan, Murray,—6.

And so said bill passed its third and last reading, with an order to be enrolled.

A bill for the relief of Wm. Kanard and others, was, on motion of Mr. Wyly, ordered to the table.

Mr. Anderson introduced

A bill to provide for holding chancery courts at Knoxville and Athens.

And thereupon the question was had, "Shall the bill pass?" and determined in the affirmative—ayes 11, noes 7.

The ayes and noes being demanded constitutionally by Mr. Greene,

The affirmative voters are,

Mr. Speaker, Anderson, Bradford, Davis, Frey, Gillespy, Holman, Jetton, McClellan, Murray, Polk—11.

The negative voters are,

Mr. Andrews, Brabson, Greene, Lytle, McIver, Perkins, Wyly—7.

And so said bill passed its first reading.

Mr. Holman introduced

A bill to explain an act on the subject of turf racing, which was read a first time and passed.

And then the Senate adjourned.

TUESDAY MORNING, DECEMBER 6th, 1831.

Mr. Murray presented the report of the clerk of the court of Pleas and Quarter sessions for Obion county, shewing the amount of property listed for taxation, and the amount of taxes collected

by him for the year ending the 1st of October, 1831; which was referred, on motion of Mr. Murray, to the committee on finance.

Mr. Field presented the return of the sheriff of the county of Giles, shewing the number of votes given at the last general election for Representatives and for the convention in said county; which was referred, on motion of Mr. Field, to the appropriate committee.

Mr. Murray from the committee on claims, to whom was referred, a bill for the relief of Edmond Bean, a citizen of Rhea county, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to recommend its passage.

Said report was concurred in, the bill read a second time and passed.

Mr. Murray from the same, reported

A bill for the relief of Wm. Anderson, clerk of Sullivan circuit court; which was read a first time and passed.

Mr. Murray from the same, to whom was referred a bill for the benefit of the Methodist Episcopal Church in Perry county, reported that the committee had instructed him to ask to be discharged from the further consideration thereof.

On motion of Mr. Andrews, said bill was read a first time and passed.

Mr. Murray from the same, to whom was referred the petition of James McMillan, asking compensation for services rendered in carrying Charles McNally from the jail of McMinn county to Knoxville, reported that the committee have had the same under consideration, think its provisions unreasonable, and recommend its rejection.

Mr. Anderson moved a non-concurrence with said report; which prevailed.

Mr. Murray from the same, to whom was referred the petition of R. Delaney and W. K. Blair, reported that the committee have had the same under consideration, think its provisions unreasonable, and recommend its rejection.

Mr. McClellan moved a non-concurrence with said report; which motion was lost.

Mr. McIver from the committee on propositions and grievances, reported

A bill for the relief of Wesley Simmons and others, of Claiborne county.

Said bill was read a first time and passed.

Mr. Frey from the committee on finance, to whom was referred a bill to regulate the State tax on law suits, reported an amendment thereto, which was received.

Said bill was read as amended a second time and passed.

Mr. Greene from the committee on internal improvement, to

whom was referred the petition of sundry citizens of Carter county, asking an appropriation to enable them to make a certain road, reported

A bill to appropriate money and appoint commissioners to superintend the opening a public road from Shawn's cross roads to Papersville; which was read a first time and passed.

A resolution submitted on yesterday by Mr. Gillespy, directory to the cashier of the Bank of the State of Tennessee, was taken up, read and adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Gillespy's resolution of the same day was read and ordered to the table.

Mr. Anderson submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the President and Trustees of the Nashville University, report immediately to this General Assembly, the present number of Trustees of said institution, with their names and places of residence and date of their appointment; and also report the names of those who are active in the discharge of the duties of a Trustee, and attend the meetings of the board; and the names of the Trustees who do not attend, if any such there be.

And the rule being suspended, said resolution was adoped.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Bradford submitted the following:

Resolved, That the Treasurer of East Tennessee, as heretofore required, report to this General Assembly as soon as practicable, whether he has upon all occasions required by law, taken assignments and transfer of interest of purchasers from the State, of lands in the Hiwassee District, to whom he repaid the money paid by them into the public treasury for lands claimed by Indian reserves.

A bill to amend an act entitled an act to establish a board of internal improvement, and set apart one hundred and fifty thousand dollars to be appropriated to the improvement of the navigable rivers and other objects of internal improvement in this State, was taken up and read.

And thereupon the question was had, "Shall the bill pass?" and determined in the negative—ayes 6, noes 14.

The ayes and noes being demanded constitutionally by Mr. Burford,

The affirmative voters are,

Mr. Andrews, Davis, Jetton, Lytle, McIver, Murray—6.

The negative voters are,

Mr. Speaker, Anderson, Brabson, Bradford, Burford, Field,

Frey, Gillespy, Greene, Holman, McClellan, Perkins, Polk, Wyly—14.

And so said bill was rejected.

Mr. Polk from the committee of enrollments, reported as truly enrolled.

An act to extend the time allowed by law for the erection of certain turnpikes and bridges in the Western District, and for other purposes.

An act for the relief of Albert Thomas.

An act to authorise the construction of a bridge across Cumberland river at Nashville, above the mouth of Broad street.

An act to amend an act entitled an act to incorporate the Gallatin turnpike company.

An act to incorporate a Female Academy at Athens.

An act to incorporate the town of Cornersville, in the county of Giles.

An act to amend an act entitled an act to dispose of certain lands in Hawkins county, commonly called Simms' Big Survey. And

An act for the benefit of Wm. Moore, of Gibson county.

Said enrolled bills were signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives concur in your resolution appointing a joint select committee on captains' companies and Justices of the Peace for special purposes; and have appointed Mr. Stephenson, Dobbins, Gordon, James Gray, Rogers and Dew, to be of said committee on their part. They have adopted a resolution appointing Justices of the Peace for the county of Greene; in which they ask the concurrence of the Senate.

The Speaker of the House of Representatives did this day sign an enrolled resolution appointing Justices of the Peace for the county of Humphreys. And then he withdrew.

The Speaker of the Senate signed said enrolled resolution, and ordered it to be deposited in the office of the Secretary of State.

The Senate concurred in the resolution from the House of Representatives appointing Justices of the Peace for the county of Greene. The Speaker appointed Mr. Field, Bradford and Brabson, to be of the committee on the part of the Senate, upon the resolution appointing a joint select committee on captains' companies and Justices of the Peace.

Mr. Greene introduced

A bill for the benefit of Lucinda Allen, widow and relict of

Wm. Allen, deceased, or the legal representatives of said decedant.

Mr. Anderson,

A bill concerning the taxation of costs in the Supreme court. And

A bill for the relief of Collins Roberts.

Mr. Greene,

A bill to provide for the payment of the unsatisfied claims adjudged valid for improvements made in the Hiwassee District. And

Mr. Andrews,

A bill to provide for the building of a Female Academy in the county of Henderson; which were severally read a first time and passed.

Received from the House of Representatives,

A bill to authorise Austin Greesham to sell a certain slave. A bill to transfer a cause now pending in the Supreme court of this State at Jackson in the county of Madison to the Supreme court at Nashville. A bill for the benefit of the estate of Robert V. M'Gimpsey. A bill concerning the seat of justice in the county of Wayne. A bill to extend the benefits of the 1st section of the act of 1829, chapter 40, passed the 30th December, 1829. A bill to repeal the act entitled an act to create a new militia company in the county of Wilson. A bill to amend the registration laws, and for other purposes. A bill to regulate the fees of the clerks and masters in equity in this State. A bill for the benefit of the heirs of William Shinnault, dec'd. A bill directory to the Treasurer of the Western district. A bill for the benefit of Robert M. Waller, of Bedford county. A bill to regulate ware houses. A bill to alter the time of holding the county courts in the county of Washington. A bill to incorporate the Memphis rail road company. A bill to reduce the fees of clerks for recording an account current rendered by a guardian. A bill to regulate the fees of the clerks of the different courts in this State. A bill to amend an act entitled an act to amend to laws now in force prescribing the mode of making partition of lands. passed October 26th, 1799. A bill change the time of holding the Supreme court at Jackson. A bill to provide the means by which the existence and locality of Mathews' line, is to be established. A bill to authorize John Martin and John B. Perkins to build a bridge across the Caney Fork. A bill for the benefit of the heirs of John Tipton, late of the house of representatives. A bill to amend the 1st section of an act entitled an act ro compel the owners of mill dams on Little Pigeon river in Sevier county to put slopes therein. A bill to alter the time of holding the circuit courts in the eleventh judicial circuit. A bill for the relief of Samuel Hunt late sheriff of Washington county, and James P. M'Carty of Hawkins county. A bill for the

benefit of Richard Rushing and Anderson Smith. And a bill to amend the laws of this State in relation to the government of slaves and free persons of color.

All of which were severally read a first time and passed.

A bill to authorize the administrator of Samuel Hannah to convey a certain tract of land to the person therein named, was read a third time and passed.

Mr. Brabson returned without amendment,

A bill relative to the registration of deeds, and for other purposes. Mr. Field offered the following as an amendment thereto, to wit:

And provided also that it shall not effect subsequent purchasers for a valuable consideration. And thereupon the qustion was had "Will the Senate receive said amendment," and determined in the negative. Ayes 4—Noes 14.

The Ayes and Noes being demanded constitutionally by Mr. Wyly,

The affirmative voters are,

Mr. Davis, Field, Frey, Holman, 4.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Burford, Gillespy, Greene, Jetton, Lyttle, McClellan, McIver, Perkins, Polk, Wyly, 14.

And so said amendment was rejected.

Mr. Bradford moved to amend said bill by confining its provisions to the counties of Washington, Greene, Cocke and Sevier, said motion prevailed, the amendment was made, the bill read as amended a second time and passed.

A bill for the benefit of James Childress.

A bill more speedily to procure a distribution of the public funds in the several counties in this State, upon a basis of free white population.

A bill to prevent fraudulent practices by the possession and removal of personal property in this State.

A bill for the relief of Vredenburg Thompson of Jefferson county.

A bill to amend an act passed 19th October, 1817, regulating the town of Charlotte in the county of Dickson.

A bill to amend an act passed at the present session of the General Assembly, entitled an act giving further time for surveying entries and obtaining grants thereon. And

A bill to legitimatize Armistead Parrot of Claiborne county, and for other purposes, were severally read a second time and passed.

A bill for the relief of Martin Mooney and William Mooney, jr. of White county. And

A bill regulating the rank of staff officers, were severally read and rejected.

Mr. Davis withdrew for amendment,

A bill to enable the occupants of the Western district to secure their occupanies, and for other purposes.

Mr. Burford returned

A bill to authorize the county courts to grant license to retail merchandize in certain cases, and moved to strike therefrom the amendment made by the House of Representatives for the purpose of reinstating the original bill—said motion prevailed. Mr. Burford moved further to amend, by changing the title of said bill, so as as to read, A bill for the benefit of persons therein named, said motion also prevailed, the amendments were made; the bill read as amended a third time and passed.

Mr. Field introduced

A bill directory to the Secretary of State, which was referred on motion of Mr. Field to the committee on land claims.

Mr. Burford returned with an amendment in lieu of the whole,

A bill to release from taxation the real estate belonging to the State Bank of Tennessee, said amendment was received, and provides that the Treasurer of middle Tennessee, shall sell the said real estate, upon certain specified terms, said bill was then read as amended a second time and passed.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 7th, 1831.

Mr. McClellan presented Resolutions in relation to the militia laws of this State adopted by the officers of the 2d regiment of Tennessee militia, which were referred on motion of Mr. M'Clellan to the military committee.

Mr. McIver presented the return of the clerk of the circuit court of Tipton county, shewing the amount of revenue collected by him for the year 1829, which was referred on motion of Mr. McIver to the committee on finance.

Mr. Wyly presented the petition of Alfred M. Carter, Wm. B. Carter, George W. Carter, James P. Taylor, Benjamin Brewer & George T. Gillespy, heirs and legal representatives of Landon Carter, dec'd. together with a number of accompanying documents, which were referred on motion of Mr. Wyly to the committee on land claims.

Mr. Davis from the committee on claims to whom was referred A bill to encourage the manufacture of Salt, reported that the committee have had the same under consideration, think its pro-

visions reasonable and recommend its passage, said report was concurred in, the bill read a first time and passed.

Mr. Frey from the committee on finance, to whom was referred, a bill to establish the rate of county tax on land in this State and for other purposes, reported that the committee had carefully examined the provisions of said bill, and had instructed him to report an amendment thereto in lieu of the whole bill from the enacting clause.

Said amendment provides that each hundred acres of land shall be taxed forty-three and two fourth cents; each town lot, fifty cents; each white poll, twenty-five cents; each slave between the age of twelve and fifty years, fifty cents; each stud horse or jack kept for mares, one fourth of the season of one mare; each four-wheeled pleasure carriage, one dollar; each two-wheeled pleasure carriage, fifty cents; and repeals all laws and parts of laws now in force authorising the county courts to lay or assess a county tax; and makes it the duty of the several clerks of the county courts in this State, to certify to every stated session of the General Assembly, the result of the settlement made by the county commissioners with the Trustees of their respective counties, in the same manner they are now required to do.

Mt. Greene moved the indefinite postponement of the bill and amendment.

And thereupon the question was had and determined in the affimative—ayes 14, noes 6.

The ayes and noes being demanded constitutionally by Mr. Frey,

The affimative voters are,

Mr. Speaker Douglass, Anderson, Andrews, Bradford, Burford, Field, Greene, Holman, Jetton, McClellan, McIver, Perkins, Polk, Wyly—14.

The negative voters are,

Mr. Brabson, Davis, Frey, Gillespy, Lytle, Murray—6.

And so said bill and amendment were rejected.

Mr. Andrews from the committee on internal improvement for the Western District, to whom was referred, a bill to establish boards of internal improvement in the several counties in this State lying west of Tennessee, and for other purposes, reported that the committee have had the same under consideration, and had instructed him to report several amendments thereto, and to recommend its passage.

Said amendments were received.

Mr. McIver offered as an amendment in lieu thereof,

A bill to establish a board of internal improvement in that part of the State West of Tennessee River, denominated West Tennessee and thereupon the question was submitted, and determined in the negative. Noes 9---Ayes 11.

The ayes and noes being demanded constitutionally by Mr. Andrews,

The affirmative voters are,

Mr. Anderson, Andrews, Brabson, Burford, Greene, McClellan, McIver, Polk, Wyly—9.

The negative voters are,

Mr. Speaker, Bradford, Davis, Field, Frey, Gillespy, Holman, Jetton, Lytle, Murray, Perkins—11.

And so said amendment was rejected.

Said bill was further amended, on motion of Mr. Field, read a second time and passed.

Mr. Bradford's resolution of yesterday directory to the Treasurer of East Tennessee, was taken up, read and adopted.

A resolution heretofore submitted by Mr. Burford, proposing to meet the House of Representatives in their hall on the 10th day of the present month for the purpose of recommending to the people the propriety of voting for or against the call of a convention at the next general elections, was taken up, read, amended on motion of Mr. Burford, by inserting the 15th in lieu of the 10th, and adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Speaker Douglass presented a communication from his Excellency, William Carroll, in relation to the public arms; which was read, and, on motion of Mr. Burford, ordered to the table.

Mr. Greene introduced

A bill to divorce Patsey Falls, late Patsey Love, from her husband.

Mr. Gillespy,

Aill to exempt non-slaveholders and non-landholders from the payment of a free poll tax for State or county purposes.

Mr. Brabson,

A bill to authorise the circuit court of Grainger county to decree a title for a certain tract of land to James Shields, jr.

Mr. Anderson,

A bill to provide for the payment of the cost of a suit, the State against Charles McNally.

Mr. Wyly,

A bill to regulate the proceedings in chancery in this State. And

Mr. Holman,

A bill to regulate the manner of partitioning the slaves belonging to intestates among those entitled thereto, and for other purposes: which were severally read a first time and passed.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution proposing to adjourn the present General Assembly without day, on the 19th inst. and prohibiting the introduction of bills into either House after the 10th inst. in which they ask the concurrence of the Senate. The Speaker of the House of Representatives did this day sign an enrolled bill entitled an act to authorise the administrator of the estate of Samuel Hannah to convey a certain tract of land to the person therein named. And then he withdrew.

Whereupon the Speaker of the Senate signed said enrolled bill, and ordered it to be deposited in the office of the Secretary of State.

The resolution proposing to adjourn the two Houses of the Legislature, was taken up, read and concurred in.

Ordered that the clerk acquaint the House of Representatives therewith.

Mr. Frey submitted the following:

Resolved, That a joint select committee be appointed to make an estimate of the expenses of this General Assembly to include Monday the 19th inst. and no longer.

Mr. McClellan, the following:

Resolved, That the Judiciary committee be instructed to enquire into the expediency of passing a law prohibiting the introduction of any slave or slaves in this State for sale after the 1st day of January next; and that they report by bill or otherwise.

Mr. Murray, the following:

Resolved, That the Senate meet at seven o'clock, P. M. for the purpose of having night sessions during the remainder of the session.

Mr. Murray also submitted the following:

Resolved, That all bills shall be taken up and acted upon in the order in which they lie on the Speaker's table, or at the election of the Speaker, so that one shall not have the preference of another.

Mr. Anderson introduced

A bill to incorporate the Knoxville and Southern Rail Road Company; which was read a first time and passed.

A bill to equalize the tax on wholesale and retail merchants, jewellers, grocers and auctioneers, was taken up, on motion of Mr. Burford, and read.

Mr. Burford offered the following amendment thereto, (to wit:)

Be it enacted, That the manufacturing companies incorporated at this session of the General Assembly, or which may hereafter be incorporated, shall, at the different offices they may open to transact their business, have a right which is hereby vested in

them, when selling or exchanging their own articles for raw materials, to vend such other articles as they may think proper, not exceeding ten thousand dollars per annum, any law usage or custom to the contrary notwithstanding.

And thereupon the question was had, "Will the Senate receive said amendment?" and determined in the negative—ayes 8, noes 12.

The ayes and noes being demanded constitutionally by Mr. McClellan,

The affirmative voters are,

Mr. Speaker, Bradford, Burford, Davis, Field, Holman, Lytle, Perkins—8.

The negative voters are,

Mr. Anderson, Andrews, Brabson, Frey, Gillespy, Greene, Jetton, M'Clellan, McIver, Murray, Polk, Wyly—12.

And so said amendment was rejected.

Whereupon the said bill was put upon its passage,

And the question thereupon being submitted, "Shall the bill pass?" it was determined in the affirmative—ayes 12, noes 8.

The ayes and noes being demanded constitutionally by Mr. Field,

The affirmative voters are,

Mr. Anderson, Andrews, Brabson, Burford, Gillespy, Greene, Holman, McClellan, M'Iver, Murray, Perkins, Wyly—12.

The negative voters are,

Mr. Speaker, Bradford, Davis, Field, Frey, Jetton, Lytle, Polk—8.

And said bill passed its third reading.

Mr. Burford submitted the following:

Resolved, That the engrossing clerk of the Senate be authorised to employ an assistant, provided he shall not be paid more than three dollars per day by the State.

And the rule being suspended, on motion of Mr. Burford, said resolution was adopted.

On motion of Mr. Wyly,

The Senate took up the resolution heretofore submitted by him in relation to the United States Bank.

Mr. Wyly moved that it be made the order of the day for to-morrow.

Mr. Holman moved that the consideration of said resolution be postponed, and set for Monday night next; which latter motion having precedence, prevailed; and being so announced by the Speaker, Mr. Brabson moved a reconsideration,

Whereupon the question was submitted, "Will the Senate reconsider?" and determined in the negative—ayes 9, noes 11.

The ayes and noes being demanded constitutionally by Mr. Bradford,

The affirmative voters are,

Mr. Anderson, Brabson, Gillespy, Greene, Jetton, Lytle, McClellan, Polk, Wyly—9.

The negative voters are,

Mr. Speaker, Andrews, Bradford, Burford, Davis, Field, Frey, Holman, McIver, Murray, Perkins—11.

And so said motion to reconsider was overruled.

A bill to repeal part of the 4th section of an act entitled an act to establish the sixth Judicial circuit, and for other purposes, was taken up and read.

Mr. Wyly moved to amend the caption of said bill so as to read 'A bill to repeal all laws giving attornies general in this State compensation out of the State Treasury for their services;' which motion prevailed.

Said bill was further amended by Mr. Wyly,

And thereupon the question was submitted, "Shall the bill pass?" and determined in the negative—ayes 7, noes 12.

The ayes and noes being demanded constitutionally by Mr. Wyly,

The affirmative voters are,

Mr. Greene, Holman, Jetton, Lytle, McClellan, Perkins, Wyly—7.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Burford, Davis, Field, Frey, Gillespy, McIver, Murray, Polk—12.

And so said bill was rejected.

A bill to amend the militia laws of this State. And

A bill limiting prosecutions for misdemeanors, were severally read a second time and passed.

A bill concerning free person of color, and for other purposes, was takon up and read.

Mr. Brabson moved to amend said bill by striking therefrom the 4th section thereof.

And thereupon the question was submitted, "Will the Senate make the amendment?" and determined in the negative—ayes 8, noes 12.

The ayes and noes being demanded constitutionally by Mr. Field,

Thhe affirmative voters are,

Mr. Speaker, Anderson, Brabson, Davis, Gillespy, McIver, Perkins, Wyly—8.

The negative voters are,

Mr. Andrews, Bradford, Burford, Field, Frey, Greene, Holman, Jetton, Lytle, M'Clellan, Murray, Polk—12.

And so said motion was overruled.

Mr. Murray then moved to strike from said bill the first section thereof,

And thereupon the question was had, and determined in the negative—ayes 9, noes 11.

The ayes and noes being demanded constitutionally by Mr. Murray,

The affirmative voters are,

Mr. Speaker, Anderson, Brabson, Davis, Gillespy, Holman, McIver, Murray, Wyly—9.

The negative voters are,

Mr. Andrews, Bradford, Burford, Field, Frey, Greene, Jetton, Lytle, McClellan, Perkins, Polk—11.

And so said motion was lost.

Said bill was then put upon its passage,

And the question thereupon being had, "Shall the bill pas?" it was determined in the affirmative—ayes 12, noes 8.

The ayes and noes being demanded constitutionally by Mr. Field,

The affirmative voters are,

Mr. Speaker, Andrews, Bradford, Burford, Field, Frey, Greene, Jetton, Lytle, McClellan, Perkins, Polk, 12.

The negative voters are,

Mr. Anderson, Brabson, Davis, Gillespy, Holman, McIver; Murray, Wyly, 8.

And so said bill passed its second reading.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the Senate did this day sign an enrolled Resolution appointing justices of the peace for the county of Greene. And then he withdrew.

Whereupon the Speaker of the Senate signed said enrolled resolution, and ordered it to be deposited in the office of the Secretary of State.

And then the Senate adjourned.

THURSDAY MORNING, DECEMBER 8th, 1831.

Mr. Polk from the committee on enrollments, reported as truly enrolled,

An act to provide for the permanent establishment of the seat of Justice in Overton county. An act appointing the time of holding regimental musters in the 99th regiment of Tennessee militia. An act for the benefit of the heirs and creditors of James Peake, dec. of White county. An act for the benefit of Richard C. Napier. An act to repeal an act passed October 8th, 1825, entitled an act for the relief of Jotham Brown. An act for the relief of William

Pope. An act for the benefit of the quorum court of Williamson county. An act to appoint a commisioner on Hales' turnpike road. An act to amend an act passed in the year 1829, chapter 52. An act to authorize Timothy Dotson to build a bridge. An act for the relief of creditors of Anthony Gilliam, deceased. An act to authorize Cain Broyles of the county of Greene to open a turnpike road across Paint mountain. An act to extend the provisions of an act concerning the Register of the Hiwassee district. And a resolution appoining justices of the peace for the county of Wayne, all of which were signed by the Speaker and ordered to be transmitted to the house of representatives.

Mr. McIver from the committee on propositions and grievances to whom was referred, A bill to amend the several laws incorporating the town of Nashville, reported that the committee have had the same under consideration, and had instructed him te report its provisions reasonable and to recommend its passage.

Said bill was on motion of Mr, Lytle ordered to lie on the table.

Mr. McIver from the same to whom was referred sundry petitions reported that the committee have had the same ander consideration, consider them reasonable and had instructed him to report a bill for their relief, entitled a bill for the benefit of Anthony Walker, and others therein named, said bill was read a first time and passed.

Mr. McIver from the same to whom was referred sundry other petitions reported that the committee have had the same under consideration, think the prayer of the petitioners unreasonable and ought not to be granted, said report was concurred in.

A resolution submitted on yesterday by Mr. Murray, proposing to hold night sessions, was amended on motion of Mr. Burford by striking out "7 o'clock," and inserting in lieu "half after six," said resolution was read and adopted.

A resolution submitted by Mr. Murray providing the manner in which bills shall be taken up and acted upon. And

A resolution submitted by Mr. McClellan directory to the Judiciary committee, were severally read and adopted.

A resolution submitted on yesterday by Mr. Frey appointing a joint select committee to make an estimate of the expenses of this General Assembly, was taken up read and adopted. The Speaker appointed Mr. Frey, Burford, and Murray to be of said committee on the part of the Senate.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Davis returned a bill to enable the occupants of the Western District to secure their occupancies, and proposed amending the same by reinstating that part of the bill stricken out by the House of Representatives, and thereupon the question was had

"Will the Senate make the amendment," it was determined in the affirmative—Ayes 17—Noes 3.

The Ayes and noes being demanded constitutionally by Mr. Davis.

The affirmative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Burford, Davis, Field, Gillespy, Greene, Holman, Jetton, Lytle, McIver, Murray, Perkins, Polk, Wyly—17.

The negative voters are,

Mr. Bradford, Frey, M'Clellan—3.

And so said motion prevailed.

Said bill was further amended on motion of Mr. Field and Mr. Gillespy and being on its last reading in both houses, it was ordered that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. McClellan from the committee on divorces, to whom was referred sundry petitions, reported that the committee have had the same under consideration, and had instructed him to report a bill to divorce Sarah Griffin from her husband Jesse W. Griffin and others therein named, and to recommend its passage. Whereupon said bill was read a first time and passed.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of House of Representatives did this day sign enrolled bills and resolutions of the following titles, to wit:

A resolution appointing Justices of the peace for the counties of Shelby, Franklin and Sumner. An act for the relief of Wilson Sanderlin and others. And an act for the benefit of the purchasers of lots in the town of Somerville.

The House of Representatives have adopted a resolution that the Senate meet them in their hall on Wednesday next, at 11 o'clock, A. m. for the purpose of electing a chancellor for the Western division of this State, a Solicitor general for the 15th district, surveyors for the counties of Cocke, Humphreys, Sumner and Marion;—commissioners for the board of internal improvement for East Tennessee;—a treasurer for Middle Tennessee—and entry-takers for the counties of Bedford, Humphreys, Lincoln and Claiborne. They have taken up, on a third and last reading in both Houses, a bill to change the time of holding the county courts of Henderson county, and propose an amendment thereto, in which they ask the concurrence of the Senate. And then he withdrew.

Whereupon the Speaker signed said resolution and enrolled bills, and ordered them to be deposited in the office of the Secretary of State.

The Senate non-concurred with the amendment proposed by the House of Representatives, to a bill to change the time of holding the county courts of Henderson county.

On motion of Mr. Frey,

The Senate non-concurred with so much of the resolution mentioned in the foregoing message, as proposes to go into the election of a Treasurer for Middle Tennessee; and concurred with the remainder of said resolution.

Ordered that the clerk acquaint the House of Representatives therewith.

A bill for the relief of the counties of Morgan, Anderson and others, was taken up and read.

Mr. Murray moved to amend said bill by inserting a provision for the relief of the citizens of Dyer, Obion, Carroll and Gibson.

Mr. Davis moved to amend further by inserting a provision for the relief of the citizens of Wayne county; both of which amendments were received.

Said bill was then put upon its passage,

And thereupon the question was had, "Shall the bill pass?" it was determined in the affirmative—ayes 12, noes 8.

The ayes and noes being demanded constitutionally by Mr. Brabson,

The affirmative voters are,

Mr. Anderson, Bradford, Davis, Frey, Greene, Holman, Jetton, Lytle, McClellan, McIver, Murray, Wyly—12.

The negative voters are,

Mr. Speaker, Andrews, Brabson, Burford, Field, Gillespy, Perkins, Polk—8.

And so said bill passed its second reading.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives concur in your resolution directory to the President and Trustees of the Nashville University—and in your resolution in relation to a convention. The House of Representatives have adopted a resolution appointing a notary public for Davidson county—and a resolution for the benefit of Mark Christian; in which they ask the concurrence of the Senate. And then he withdrew.

Ordered that the Senate concur with the resolution appointing a notary public for Davidson county,—and non-concur with the resolution for the benefit of Mark Christian.

Ordered that the clerk acquaint the House of Representatives therewith.

Mr. Greene submitted the following,

Resolved, That the Committee on Banks be instructed to inquire into the expediency of distributing the stock belonging to the

State in the old Knoxville Bank to the several counties of the State, on the basis of free white population in each, on the same principle of other school funds in this State, and that said committee report by bill or otherwise, without delay, and the rule being suspended, on motion of Mr. Greene said resolution was adopted.

A bill to establish an independent volunteer company in Knoxville. A bill to extend the limits of the corporation of the town of Knoxville. A bill for the benefit of Charles Metcalf. A bill for the benefit of John McCrosky, former sheriff of Monroe county. A bill to incorporate the Columbia Female Academy. A bill for the relief of those who may have balances of land warrants unappropriated in the offices of the several surveyor's districts south and west of the congressional reservation line. A bill to authorise Wm. Simpson to open and establish a toll bridge and turnpike road across Hatchee river. A bill for the benefit of Unice Cummings. A bill for the benefit of John Vincent. A bill to authorise the register to issue a certain grant. A bill to repeal all laws heretofore passed incorporating the town of Athens, in the county of McMinn, and for other purposes. A bill to authorise Thomas Tipton and Zechariah Clarke, of Blount county, to open a turnpike road. A bill to change the time of holding muster in the 116th regiment of Tennessee militia. A bill to incorporate the city hotel. A bill to authorise the sheriff of Jackson county to appoint three deputies. And A bill for the relief of sheriffs and others who have heretofore conveyed convicts to the penitentiary, were severally read a second time and passed.

A bill for the benefit of Thomas Blake, of Roane county, was taken up and read,

And thereupon the question was had, "Shall the bill pass?" and determined in the negative—ayes 8, noes 12.

The ayes and noes being demanded constitutionally by Mr. Bradford,

The affirmative voters are,

Mr. Andrews, Brabson, Gillespy, Greene, Holman, Jetton, Lytle, McClellan—8.

The negative voters are,

Mr. Speaker, Anderson, Bradford, Burford, Davis, Field, Frey, McIver, Murray, Perkins, Polk, Wyly—12.

And so said bill was rejected.

Mr. Wyly introduced

A bill to amend the common school laws of this State.

Mr. Holman,

A bill to revive suits which have abated by the death of the parties.

Mr. Bradford,

A bill making the bridge at Shelbyville free, and for other purposes.

Mr. Gillespy,

A bill to amend the certiorari laws. And

A bill to compel the commissioners of the county seat of Monroe county to make settlement; all of which were severally read a first time and passed.

A bill to do away jury trials in the county courts, was taken up on its second reading.

Mr. Murray moved its indefinite postponement,

And thereupon the question was submitted, "Will the Senate postpone the said bill indefinitely?" and determined in the affirmative—ayes 13, noes 7.

The ayes and noes being constitutionally demanded by Mr. Bradford,

The affimative voters are,

Mr. Andrews, Brabson Burford, Field, Frey, Greene, Jetton, Lytle, McClellan, McIver, Murray, Polk, Wyly—13.

The negative voters are,

Mr. Speaker, Anderson, Bradford, Davis, Gillespy, Holman, Perkins—7.

And so said bill was indefinitely postponed.

A bill to provide for the payment of the unsatisfied claims adjudged valid for improvements made in the Hiwassee district, was, on motion of Mr. Anderson, ordered to the table.

Mr. Wyly introduced

A bill to amend an act entitled an act for the relief of executors and administrators, which was read a first time and passed.

A bill to regulate the discount on negotiable paper, was read and rejected.

A bill to appoint solicitors general for the different counties in this State, was taken up upon its second reading.

Mr. Field moved its indefinite postponement,

And thereupon the question was submitted, "Will the Senate postpone said bill indefinitely?" and determined in the affirmative—ayes 12, noes 8.

The ayes and noes being demanded constitutionally by Mr. Bradford,

The affirmative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Davis, Field, Frey, Gillespy, McIver, Murray, Polk, Wyly—12.

The negative voters are,

Mr. Bradford, Burford, Greene, Holman, Jetton, Lytle, McClellan, Perkins—8.

And so said bill was rejected.

Mr. Gillespy submitted the following:

Resolved, That the clerk of the Senate be, and he is hereby authorised, to employ a clerk to assist him in the discharge of the duties of his office.

And the rule being suspended, on motion of Mr. Gillespy, said resolution was adopted.

A bill requiring the entry taker of Bedford county to record certain entries. A bill for the benefit of Joseph Daney, of Hickman county. A bill to release Hale's turnpike road from the payment of a State tax. A bill to amend an act entitled an act to authorise Allen McDonald to open a turnpike road. A bill to exempt certain persons from mustering in Rhea county. A bill for the benefit of Field Farrow, clerk of Dickson county court. A bill for the relief of Cullen and Wyly Bayles, and for other purposes. A bill for the relief of those persons who are about to be injured by the loss of papers, records, &c. by the hurricane at Charlotte, in 1830. A bill to incorporate the Clarksville and Russellville rail road company. A bill for the relief of Edmond Bean, a citizen of Rhea county. A bill for the benefit of Joseph Hicks, Jailer of Hawkins county. A bill authorising courts to sell real estate in certain cases. A bill to change the time of holding regimental drill musters. And

A bill to repeal an act entitled an act to amend and explain an act entitled an act to regulate proceedings on executions, and for other purposes; passed November 27th, 1829, were severally read a third and last time in both Houses, passed and ordered to be enrolled.

On motion of Mr. Gillespy, it was ordered that the resolution adopted on yesterday, requiring the engrossing clerk to employ an assistant, be rescinded.

A bill to provide for the divorce of Maria Harp from her husband Nathaniel Harp, was taken up and read.

Mr. Lytle offered an amendment thereto extending the same provisions to Julia Jones.

Said amendment was received, the bill read as amended a third time and passed.

A bill to improve the navigation of Obeds river in Overton and Fentress counties, was, on motion of Mr. Perkins, ordered to the table. A bill for the benefit of Overton county. A bill to provide for the appointment of a county surveyor for the county of Monroe. And A bill for the relief of the Covington Sentinels, were severally read a third time and passed.

A bill for the relief of Joseph Herd, of White county, was, on motion of Mr. Holman, referred to the committee on claims.

On motion of Mr. Greene, it was ordered that the committee on the Judiciary be discharged from the further consideration of

A bill to extend the corporation of Kingston.

Received from the House of Representatives,

A bill for the benefit of Gabriel Foulks. A bill for the relief of the 77th regiment of Tennessee militia. And a bill to explain the first section of the 35th chapter of the acts of 1827, allowing commissions to constables. Which were severally read a first time and possed.

Mr. Polk moved the Senate to adjourn until 9 o'clock tomorrow morning.

Mr. McClellan called for the ayes and noes,

And thereupon the question was had, "Will the Senate adjourn?" and determined in the affirmative—ayes 11, noes 9.

The affirmative voters are,

Mr. Anderson, Brabson, Bradford, Davis, Frey, Gillespy, Greene, Holman, McIver, Perkins, Polk—11.

The negative voters are,

Mr. Speaker, Andrews, Burford, Field, Jetton, Lytle, McClellan, Murray, Wyly—9.

Whereupon the Senate adjourned until tomorrow morning 9 o'clock.

FRIDAY MORNING, DECEMBER 9th, 1831.

Mr. Murrray, from the committee on claims, reported a bill for the benefit of Leonard Cardin, of Monroe county; which was read a first time and passed.

Mr. Murray, from the same, to whom were referred the memorial of Joshua Jobe and others, and the petition of Samuel Wear, reported that the committee have had the same under consideration, and have instructed him to ask that the committee be discharged from the further consideration thereof; which was agreed to, and, on motion of Mr. Gillespy, said memorial and petition were ordered to lie on the table.

Mr. Jetton from the committee on Education, reported a bill to revise and amend an act entitled an act to establish a system of common schools and to appropriate the school funds; which was read a first time and passed.

Mr. Gillespy from the committee on the Judiciary, reported a bill for the benefit of defendants in certain cases, and that the committee recommend the passage thereof, on which Mr. Gillespy moved a nonconcurrence with said report which was agreed to; Ayes 11—Noes 9.

And the ayes and noes on said question being constitutionally demanded by Mr. Gillespy,

Those who voted in the affirmative are,

Mr. Andrews, Brabson, Bradford, Davis, Frey, Gillespy, Greene Holman, Lytle, McIver, and Wyly—11.

The negative voters are,

Mr. Speaker, Anderson, Burford, Field, Jetton, McClellan, Murray, Perkins, and Polk—9.

So said bill was rejected.

Mr. Gillespy from the same, reported a bill to extend the corporation laws of the town of Kingston, that said committee have instructed him to report that they recommend that they first section be stricken from said bill and that the two last sections are reasonable and in their opinion ought to be passed.

Mr. Field moved a nonconcurrence with said report as to the second section of said bill, which was refused—Ayes 4—Noes 13.

The ayes and noes on said motion being constitutionally demanded by Mr. Greene.

Those who voted in the affirmative are,

Mr. Anderson, Davis, Field, Murray—4.

The negative voters are,

Mr. Andrews, Brabson, Burford, Frey, Gillespy, Greene, Holman, Jetton, Lytle, McClellan, McIver, Perkins, Wyly—13.

So said report was concurred in, and the bill was read a second time and passed.

Mr. Gillespy from the same, reported favorably on a bill to authorize the clerks of the county courts in this State to enter up judgments on forfeited delivery bonds in certain cases, which was read a first time and passed.

Mr. Gillespy from the same, reported favorably on a bill to amend the law now in force regulating appeals in Equity, which was read a second time and passed.

Mr. Gillespy from the same, reported unfavorably on a bill to explain and amend the laws heretofore passed in relation to sheriffs and constables, and for other purposes.

A bill to amend and explain an act entitled an act more effectually to prohibit county officers from speculating in county claims.

And on a bill to amend the laws on the subject of delivery bonds, which were severally read and rejected.

Mr. Gillespy from the same, reported unfavorably on sundry memorials, praying that compensation be granted to justices of the peace.

A petition from citizens of Maury county, for a division of the offices of sheriffs and tax collectors; and

A petition of 223 citizens of Wayne county, praying that the county courts may be abolished, which was concurred in.

Mr. Gillespy from the same, reported favorably on a bill to amend an act entitled an act for the relief of executors or administrators passed Dec. 31st, 1829, and recommend its passage; said bill was read a second time and passed.

Mr. Gillespy from the same, also reported that a resolution directory to said committee instructing it to enquire what amendments or alterations were necessary or expedient in the laws concerning attachments and roads, and that they be requested to report by bill or otherwise, came to hand too late to act on.

Mr. Murray introduced

A bill prescribing the duties of sheriffs in cetain cases and for other purposes.

Mr. Anderson

A bill prescribing the duties of circuit judges in certain cases, And

A bill authorizing sheriffs and other collecting officers of this State to make sets off in certain cases.

Mr. Andrews,

A bill to repeal part of an act, passed 7th January, 1830, chapter 76.

And Mr. Greene

A bill for the benefit of William H. West, Isaac Johnson and Howell White, and for other purposes, which were severally read a first time and passed.

Mr. Davis submitted the following,

Resolved, That the Secretary of State shall make out and report to the Senate, the captions of all public acts, and a brief abstract of the provisions of each public act following the caption; and the caption of each private act and resolution, without an abstract, and that the said acts and resolutions are filed in his office, as acts and resolutions of the present legislature signed by the respective speakers; and that two thousand copies of said report be printed for the use of the Senate, and the rule requiring resolutions to lay one day on the table being suspended on motion of Mr. Davis, said resolution was adopted.

Ordered, that the clerk furnish the Secretary of State with a copy thereof.

A bill to provide for the payment of the expenses incurred in the trial of Judge Haskell was taken up on its second reading.

Mr. Greene moved to fill the blank in said bill with four dollars as the per diem allowance to the sergeant at arms, which was agreed to. Mr. Greene then offered an amendment allowing said sergeant four cents per mile for travel which was agreed to, ayes 10--noes 8.

And the ayes and noes on said question being constitutionally demanded by Mr. Bradford.

Those who voted in the affirmative are,

Mr. Speaker, Andrews, Anderson, Brabson, Greene, Holman, Jetton, McIver, Murray and Perkins—10.

The negative voters are,

Mr. Bradford, Burford, Davis, Field, Frey, McClellan, Polk and Wyly—8.

So the blank was filled with four dollars.

Mr. McIver moved the following as an amendment:

Be it enacted that the Treasurer of West Tennessee, pay to the witnesses summoned in the trial of Judge Haskell, (and who were summoned by said Haskell) two dollars per day for each day they were in attendance; and four cents per mile for each mile they travelled in going to, and returning from, said trial; upon their producing a certificate of the clerk of the court of impeachment, which shall be a good voucher for him in the settlement of his accounts; which was rejected—ayes 4, noes 16.

And the Ayes and Noes on said question being constitutionally demanded by Mr. Bradford,

Those who voted in the affirmative are,

Mr. Andrews, Jetton, McIver and Murray—4.

The negative voters are,

Mr. Speaker, Anderson, Brabson, Bradford, Burford, Davis, Field, Frey, Gillespy, Greene, Holman, Lytle, McClellan, Perkins, Polk and Wyly—16.

So said amendment was rejected.

Mr. Murray offered an amendment providing for the payment of ten dollars to Robert E. C. Dougherty for services as deputy sergeant at arms; to which Mr. Gillespy offered an amendment providing for the payment of the witnesses on the part of the defendant, one dollar and fifty cents per day for attendance, which was rejected—ayes 4, noes 15.

And the ayes and noes on said question being constitutionally demanded by Mr. Burford,

Those who voted in the affirmative are,

Mr. Andrews, Gillespy, Jetton and McIver—4.

The negative voters are,

Mt. Speaker, Brabson, Bradford, Burford, Davis, Field, Frey, Greene, Holman, Lytle, McClellan, Murray, Perkins, Polk and Wyly—15.

So the amendment to the amendment was rejected, and the amendment moved by Mr. Murray was received.

The bill was then read a second time and passed.

Mr. Polk from the committee on enrollments reported as truly enrolled,

An act to repeal an act to explain and amend an act entitled an act to regulate certain proceedings on executions, and for other purposes, passed November 27th, 1829; which was signed by the Speaker, and ordered to be transmitted to the House of Representatives.

Mr. Wyly moved to suspend the 18th rule for the government of the Senate, which provides that a motion for the reconsideration

of any question shall be made within the same day on which said question was determined; which motion was agreed to, and the rule suspended.

Mr. Wyly moved to reconsider a bill for the benefit of Thomas Blake of Roane county, which was rejected on yesterday; which motion was lost—Ayes 9—Noes 10.

And the ayes and noes on said motion being constitutionally demanded by Mr. Bradford.

The affirmative voters are,

Mr. Andrews, Brabson, Gillespy, Greene, Holman, Jetton, Lytle, McIver and Wyly—9.

The negative voters,

Mr. Speaker, Anderson, Bradford, Burford, Davis, Field, Frey, McClellan, Murray and Perkins, 10.

So the Senate refused to reconsider said bill.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution appointing Justices of the Peace for the counties of Cocke, Sevier, Giles, Marion and Stewart, in which they ask your concurrence.

They concur in your resolution appointing Justices of the Peace for Washington county, with the exception of Samuel Bogart, and non-concur as to him.

They also concur in your resolution for the appointment of a joint select committee to make an estimate of the expenses of this General Assembly; and have appointed Mr. Cheatham and Mr. Stephenson, of said committee on the part of the House of Representatives.

The Speaker of the House of Representatives did this day sign an enrolled resolution appointing Henry Hagan a notary public for the county of Davidson. And then he withdrew.

The Senate concurrred in the resolution appointing Justices of the Peace for the counties of Cocke, Sevier, Giles, Marion and Stewart—and in striking out Samuel Bogart from the resolution appointing Justices of the Peace for Washington county.

The Speaker signed the enrolled resolution appointing Henry Hagan a notary public for Davidson county, and ordered it to be deposited in the office of the Secretary of State.

Mr. Gillespy introduced

A bill to compensate Charles F. Keith, a commissioner to adjudicate claims to land in the Hiwassee District; which was read a first time and passed.

Mr. Davis introduced

A bill to repeal part of the 55th section of an act to reform and amend the penal laws of the State of Tennessee; passed 9th

December, 1829; which was read a first time and passed—ayes 10, noes 8.

And the ayes and noes on the passage of said bill being constitutionally demanded by Mr. Davis,

The affirmative voters are,

Mr. Bradford, Davis, Field, Frey, Gillespy, Jetton, McClellan, Perkins, Polk and Wyly—10.

Those who voted in the negative are,

Mr. Anderson, Andrews, Brabson, Burford, Greene, Holman, Lytle and McIver - 8.

So said bill passed a first reading.

A bill to amend the several laws incorporating the town of Nashville; and a bill to establish a board of internal improvement for the mountain District; were severally read a second time and passed.

Mr. Gillespy withdrew for amendment,

A bill supplemental to an act entitled an act providing for the leasing of lands which have been set apart for the use of common schools, and for the keeping of common English schools on the same in Middle Tennessee; passed 29th October, 1831.

The Senate concurred with a resolution from the House of Representatives appointing Justices of the Peace for Grainger county, with the exception of John Dennis, on motion of Mr. Brabson.

Mr. Field returned with an amendment,

A bill to abolish imprisonment for debt, except in cases of fraud.

Mr. Brabson moved to strike out the preamble from said bill; which motion was lost.

Mr. Davis offered an amendment in lieu of the whole bill, that from and after the passage of this act, no person shall be imprisoned for debt upon original or final process; which was rejected, ayes 5, noes 15.

And the ayes and noes on said motion being constitutionally demanded by Mr. Davis,

Those who voted in the affirmative are,

Mr. Davis, Frey, Greene, Lytle and Perkins—5.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Field, Gillespy, Holman, Jetton, McClellan, McIver, Murray, Polk and Wyly—15.

So said amendment was rejected.

Mr. Wyly moved to strike out all but the first section of said bill; which was lost—ayes 8, noes 12.

And the ayes and noes on said question being constitutionally demanded by Mr. Holman,

The affirmative voters are,

Mr. Bradford, Davis, Frey, Greene, Lytle, McClellan, Perkins and Wyly—8.

Those who voted in the negative are,

Mr. Speaker, Anderson, Andrews, Brabson, Burford, Field, Gillespy, Holman, Jetton, McIver, Murray and Polk—12.

So said motion was lost.

And the bill passed a second reading—ayes 12, noes 7.

The ayes and noes being demanded constitutionally by Mr. Davis,

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Andrews, Brabson, Burford, Field, Gillespy, Holman, Jetton, McIver, Murray and Polk—12.

The negative voters are,

Mr. Bradford, Davis, Frey, Greene, Lytle, M'Clellan and Perkins—7.

So said bill passed its second reading.

Mr. Brabson submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That William Sharp be, and he is hereby appointed, a Justice of the Peace for Grainger county.

And the rule requiring resolutions to lie one day on the table being suspended, on motion of Mr. Brabson said resolution was adopted.

Mr. Greene returned with an amendment,

A bill for the relief of Charles Metcalf, extending the benefit of its provisions to John Brown, of Roane county.

And the question being put, "Shall this bill pass?" it was determined in the negative—ayes 5, noes 14.

And the ayes and noes on said question being constitutionally demanded by Mr. Field,

Those who voted in the affirmative are,

Mr. Speaker, Gillespy, Greene, Holman and Lytle—5.

Those who voted in the negative are,

Mr. Anderson, Andrews, Brabson, Burford, Davis, Field, Frey, Jetton, McClellan, M'Iver, Murray, Perkins, Polk and Wyly—14.

So the bill was rejected.

On motion of Mr. Murray,

A bill to repeal an act authorising the mayor and aldermen of the town of Huntingdon to sell certain allies, and for other purposes; was referred to the committee on propositions and grievances.

Mr. Wyly introduced

A bill to authorise the county court of Greene county to grant to Robert Gordon the privilege of erecting a toll bridge across Lick creek, which was read a first time and passed.

Mr. Holman introduced

A bill to repeal the penal part of the laws on the subject of

card playing; on which Mr. Greene moved an indefinite postponemet; which was agreed to—ayes 14, noes 6.

And the ayes and noes on said question being constitutionally demanded by Mr. Murray,

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Andrews, Bradford, Burford, Davis, Field, Greene, Jetton, M'Clellan, McIver, Murray, Polk and Wyly—14.

The negative voters are,

Mr. Brabson, Frey, Gillespy, Holman, Lytle and Perkins—6.

So said bill was indefinitely postponed.

Mr. Gillespy introduced

A bill to provide for the collection of the monies due the academies of this State from Elijah Embree and Walker Kennedy; which was read a first time and passed.

Mr. McClellan introduced

A bill more effectually to compel clerks of the different courts in this State to issue executions in proper time; which was read a first time and passed.

Received from the House of Representatives,

A bill to divide the 25th regiment of Tennessee militia into three battalions. A bill for the relief of William B. Loftin, Stephen Lacy and Leonard P. Cheatham. A bill for the benefit of the Memphis hospital. A bill for the relief of Peter North, of Jefferson county; which were severally read a first time and passed.

A bill for the relief of James Drennen, of Wilson county. A bill to reduce the fees of clerks in certain cases. A bill for the benefit of Daniel Malding. A bill to amend an act entitled an act for the benefit of common schools. A bill for the relief of Wesley Simmons and others, of Claiborne county. A bill for the benefit of Lucinda Allen, widow and relict of William Allen, deceased, or the legal representatives of said decedent. A bill for the relief of William Anderson, clerk of Sullivan county court. A bill concerning the taxation of costs in the Supreme court. A bill for the benefit of Thomas Fite and Jeptha Billingsly. And a bill authorising Elijah Anthony, of Giles county, to build a mill; were severally read a second time and passed.

Mr. Brabson withdrew for amendment,

A bill to amend the Judiciary system of the State of Tennessee.

A bill to encourage the manufacture of iron in this State. And

A bill to extend the provisions of an act passed in 1823, chap. 7; were severally read a third time and passed.

A bill giving the purchasers or enterers of land in the Hiwassee District further time to obtain their grants; was read a third and last time in both houses; passed and ordered to be enrolled.

Mr. Field withdrew and returned with an amendment,

A bill to improve the navigation of Obeds river in Overton and Fentress counties, and for other purposes.

Said amendment providing "that should any losses be found in the fund for internal improvement set apart for middle Tennessee, the Treasurer or other person holding said fund, shall pay to the said commissioners a rateable proportion *only* of said fund, agreeably to the ratio of free white population in said county.

Provided also, that no payment shall be made under the provisions of this act of more than the proportion to which such county shall be entitled of the sixty thousand dollars appropriated for internal improvement in middle Tennessee, agreeably to the free white inhabitants in said county; said county losing its proportion of said fund, should any loss of said fund be sustained," which amendment was rejected--ayes 4, noes 14.

And the ayes and noes on said question being constitutionally demanded by Mr. Field,

The affirmative voters are,

Mr. Burford, Davis, Field and Frey—4.

Those who voted in the negative are,

Mr. Speaker, Anderson, Andrews, Brabson, Gillespy, Greene, Holman, Jetton, Lytle, McClellan, McIver, Murray, Perkins and Wyly—14.

So the amendment was rejected.

And the bill passed a third and last reading in both houses, and was ordered to be enrolled.

A bill for the relief of Samuel Ingham, of Carroll county, was taken up on its second reading; to which Mr. Bradford offered an amendment authorising the Shelbyville manufacturing company, to raise ten thousand dollars by lottery, which was received, and the bill passed a second reading.

A bill for the relief of Henry Matlock, was read a second time and passed.

A bill to compensate Samuel G. Smith for services performed and monies expended in the service of the State, was read a third time and passed.

A resolution from the House of Representatives in relation to the rechartering of the Bank of the United States, was received, read, and, on motion of Mr. Bradford, was laid on the table until Monday night next.

Mr. Burford, from the select committee, to whom was referred a bill to increase the revenue of the different counties in this State, reported that the committee have had the same under consideration, and had instructed him to report an amendment in lieu of the whole, from the enacting clause.

Mr. Murray offered an amendment to the amendment reported by the committee; which provides, "that it shall be the duty of

the clerk and Treasurer of the common school commissioners in each county annually to report the amount of monies he shall have received under the provisions of this act; and it shall be the duty of the President and Directors of the Bank of the State, in apportioning the school funds in the several counties upon a basis of free white population, to charge each county with the amount received as provided in this act;" which amendment was received, ayes 11, noes 8.

And the ayes and noes being constitutionally demanded by Mr. Gillespy,

Those who voted in the affirmative are,

Mr. Andrews, Brabson, Davis, Frey, Gillespy, Greene, Jetton, Lytle, McClellan, McIver, Murray—11.

The negative voters are,

Mr. Speaker, Anderson, Bradford, Burford, Field, Perkins, Polk and Wyly—8.

So said amendment was received.

And Mr. Field asked and obtained leave to withdraw the bill and amendments for amendment.

A bill to repeal the act of 1827, chapter 37, was withdrawn by Mr. Murray, for amendment,

A bill to amend an act entitled an act to amend and reduce into one the several acts concerning the county revenue, was taken up, read, and motion of Mr. Bradford, indefinitely postponed.

A bill for the benefit of Montgomery Bell was taken up, read, and motion of Mr. Burford indefinitely postponed.

A bill to dispose of the public square and lots and other public property in old Montgomery, the former county seat in Morgan county, was read a second time and passed.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives concur in your resolution appointing a joint select committee to ascertain the expenses of the present session of the general assembly.—They have adopted a resolution appointing a joint select committee to ascertain and report what number of the acts and journals each county is entitled to, in which they ask your concurrence. And then he withdrew.

Thereupon the said resolution was read and concurred in—The Speaker appointed Messrs. Greene, Lytle, McClellan, McIver, to be of said committee on the part of the Senate.

Ordered that the clerk acquaint the House of Representatives therewith.

Mr. Burford moved an adjournment until tomorrow morning 9 o'clock, and thereupon the question was submitted, "Will the sen-

ate adjourn?" and determined in the affirmative. Ayes 12—noes 8.

The ayes and noes being demanded constitutionally by Mr. Brabson,

Those who avoted in the ffirmative are,

Mr. Speaker, Anderson, Andrews, Burford, Frey, Greene, Holman, Jetton, McIver, Murray, Perkins, Polk—12.

The negative voters are,

Mr. Brabson, Bradford, Davis, Field, Gillespy, Lytle, McClellan, Wyly—8.

And so said motion prevailed.

Thereupon the Senate adjourned until tomorrow morning 9 o'clock.

The said motion being made at half past 9 o'clock in the evening.

SATURDAY MORNING, DECEMBER 10, 1831.

Mr. Polk presented the petition of sundry citizens of Maury county, praying for the passage of more efficient laws on the subject of patrols, which was on motion of Mr. Polk laid on the table.

Mr. Andrews presented the petition of John Aut, of Henderson county, which was on motion of Mr. Andrews referred to the committee on Land claims.

Mr. M'Iver from the committee on propositions and grivances, to which was referred a petition of sundry citizens of the town of Huntington, together with a bill to repeal an act authorizing the mayor and aldermen of the town of Huntingdon to sell certain alleys and for other purposes; reported that the committee have had the same under consideration, that they have instructed him to report that they consider said petition unreasonable and recommend the rejection of said bill; which report was concurred in and said bill was rejected.

Mr. Brabson returned without amendment,

A bill to amend the judiciary system of this State; Mr. Burford moved to strike out the 4th section of said bill, which provides for a tax on suits in the Supreme court which motion prevailed. Ordered that said 4th section of said 4th section be stricken from the bill. Mr. Burford moved an amendment, providing for the appointment of an additional judge, so that the Supreme court shall consist of five judges which was carried. Ordered, that said amendment be made. Mr. Field moved to reconsider the vote on striking out the 4th section of said bill, he having voted in the majority on said queston, which was agreed to, and said vote was reconsidered. Whereupon the questionwas put, "shall the 4th sec.

of the bill authorizing a tax on suits in the Supreme court which was heretofore stricken therefrom, be reinstated," and determined in the negative. Ayes 9—noes 11.

And the ayes and noes on said question being constitutionally demanded by Mr. Field,

Those who voted in the affirmative are,

Mr. Speaker, Andrews, Field, Gillespy, Holman, Lytle, Murray, Perkins, Polk, 9.

The negative voters are,

Mr. Anderson, Brabson, Bradford, Burford,Davis, Frey, Greene Jetton, McClellan, McIver, Wyly, 11.

And the Senate refused to reinstate said 4th section, and thereupon the question was had, "Shall the bill pass?" and determined in the affirmative—ayes 11, noes 9,

The ayes and noes on the question of the passage of the bill being censtitutionally demanded by Mr. Bradferd,

Those who voted in the affirmative are,

Mr. Speaker, Andrews, Burford, Field, Frey, Holman, Lytle, McIver, Murray, Perkins, Polk, 11.

The negative voters are,

Mr. Anderson, Brabson, Bradford, Davis, Gillespy, Greene, Jetton, McClellan, Wyly, 9.

And so said bill passed its second reading.

A bill for the benefit of John B. Rogers and Archibald C. Rogers, of Fentress county. A bill to divorce Henry Anderson from his wife Fanny Anderson. A bill supplemental to an act passed December 6th, 1825, entitled an act to authorise Wm. Reynolds, of the county of Greene, to open and establish a turnpike road. A bill for the benefit of Elisha Askew. A bill to appoint Hugh Houston a commissioner for the county of Rutledge. A bill for the relief of Orange Ham. A bill for the relief of Charles McNally, of McMinn county. A bill to restore Joseph Carroll, of Campbell county to legal privileges. A bill to repeal an act entitled an act to provide a permanent office for the public papers of the State. A bill to compel the owners of bridges and turnpikes to keep them in repair. A bill to exempt citizens of Marion county attached to a troop of cavalry from attending regimental musters; were severally read a second time and passed.

Mr. Anderson introduced

A bill to amend the laws for the emancipation of slaves.

Mr. Bradford,

A bill to establish a comptroller's office in this State; which were severally read a first time and passed.

Mr. Greene introduced

A bill to provide for extending the laws of this State over the

Cherokee Indians within the chartered limits thereof; which, on motion of Mr. Greene, was laid on the table until Monday next.

A bill to authorise John H. Howard and others, to build a mill or iron works across Big Sandy river, in Henry county, was taken up on its second reading.

Mr. Jetton moved an amendment so as to prohibit the injury of the navigation of the river; which motion was carried—ayes 12, noes 4.

And the ayes and noes on said question being constitutionally demanded by Mr. Murray,

Those who voted in the affirmative are,

Mr. Speaker, Brabson, Bradford, Davis, Greene, Holman, Jetton, Lytle. McClellan, McIver, Perkins, Wyly—12.

The negative voters are,

Mr. Burford, Frey, Murray, Polk—4.

And so said amendment was ordered.

Whereupon said bill was read a second time and passed.

A bill from the House of Representatives for the benefit of Joseph Nolen, was read a first time and passed.

A bill declaratory of the law concerning contempts of court.—A bill authorizing appeals in cases of fines for contempt. And a bill declaratory of the law concerning contempts and for other purposes, were taken up on their second reading and on motion of Mr. Anderson were referred to the judiciary committee.

Mr. McIver moved a reconsideration of the question on the rejection of a bill to repeal an act authorizing the mayor and aldermen of the town of Huntingdon to sell certain alleys and for other purposes, which was rejected this morning, he having voted with the majority on said question, which was agreed to. Ordered that said bill be reconsidered.

Whereupon Mr. Murray offered an amendment, viz: That nothing herein contained shallbe so construed as to effect any purchase or purchases of any alley or alleys or parts thereof, made under or by the authority of said act which this is intended to repeal, which was received.

And thereupon said bill was read a second time and passed.

A bill to distribute the surplus books in the Secretary's office, was, on motion of Mr. Burford, referred to the committee on finance.

Mr. Anderson returned with an amendment,

A bill to provide for holding a chancery court at Knoxville and Athens; which bill and amendment were withdrawn by Mr. Gillespy, for further amendment.

Mr. Field returned without amendment,

A bill to increase the revenue of the different counties in this State; which was laid on the table.

A bill to prevent the entry or settlement of lands lying south of Winchester's line, was taken up and referred to the committee on the Southern line of this State.

Mr. Gillespy introduced

A bill for the benefit of the persons therein named. And

A bill for the purposes therein named; which were laid on the table until Monday next.

A bill to authorise the county court of Knox county to levy a tax to aid in erecting a new court house, and for other purposes. A bill to set apart twenty-five acres of land for a school house in Henderson county. A bill to prevent non-residents from grazing their stock in the counties of Claiborne and Campbell. A bill for the benefit of Thomas L. Gray, of Haywood county. A bill to repeal the 13th section of an act passed in 1799, chapter 10. A bill to appoint additional Trustees for the Bolivar Female Academy in the county of Hardiman. A bill for the relief of Nathan Jobe. A bill for the relief of Nathan Haggard, of White county. A bill to legitimate Franklin Colburn, otherwise Franklin Innis. A bill for the encouragement of Salt works; were severally read a second time and passed.

A bill prescribing certain duties to the clerks of the several courts in this State. A bill for the benefit of Mary Guest, widow and relict of Joshua Guest, decersed, late jailer of Maury county. A bill for the benefit of Custos O'Neal. A bill for the benefit of Robert Jetton and John Elliott; were severally read a third time and passed.

Mr. Greene introduced

A bill to compel the President and Directors of the Branch Bank at Knoxville, to refund to the county common school commissioners of Roane county, monies wrongfully withheld from said commissioners.

Mr. Burford,

A bill to amend the laws incorporating the town of Alexandria in Smith county.

Mr. Polk,

A bill for the benefit of John W. P. McGimsey and Flora McGimsey; which were severally read a first time and passed.

A bill from the House of Representatives to abolish the chancery courts in the State of Tennessee, was read a first time and passed.

Mr. Field from the committee on enrolments, reported as truly enrolled,

An act providing for the entry of the forfeited lands in the Hiwassee Disirict; which was signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

A bill to extend the limits of the corporation of the town of Knoxville. A bill to dispose of the public square and lots and

other public property in Old Montgomery, the former county seat of Morgan county. A bill authorising Elijah Anthony, of Giles county, to build a mill. A bill to amend the law now in force regulating appeals in equity. And a bill to prevent sheriffs and other officers from opening the tickets of voters; were severally read a third and last time in both Houses.

Ordered, That said bills be enrolled.

A message from the House of Representatives by Mr. Campbell their clerk

MR. SPEAKER,

The House of Representatives have taken up, on its third and last reading in both Houses, a bill to compensate Samuel G. Smith for services rendered and monies expended in the service of the State; and propose an amendment to the same, by striking out 'one thousand dollars,' and inserting 'seven hundred dollars.' And then he withdrew.

Whereupon, on motion of Mr. Gillespy, the Senate nonconcur in said amendment.

Ordered that the clerk acquaint the House of Representatives therewith.

Mr. Gillespy returned without amendment,

A bill supplemental to an act entitled an act providing for the leasing of lands which have been set apart for the use of schools, and for the keeping of common English schools on the same in middle Tennessee; passed 29th October, 1831.

Whereupon said bill was read a second time and passed.

A bill for the benefit of Sandford and Mitchell, was read a third time and passed.

A bill for the benefit of garnishees, was withdrawn and returned by Mr. Wyly for amendment.

Said bill passed its second reading.

A bill to authorise Peter N. Smith to sell or dispose of a certain tract of land and slaves, for the benefit of Jamas Scott, deceased. A bill to provide for the more faithful discharge of public trusts. A bill to amend the laws heretofore passed in this State authorising each countyto establish and control a poor house. And a bill for the relief of William Carter, former sheriff of Carter county, were severally read a second time and passed.

A bill for the relief of the citizens of Kingsport,in Sullivan county, was read a third time and passed.

Mr. Polk introduced

A bill to incorporate the town of Williamsport, in the county of Maury, and to extend its limits; which was read a first time ane passed.

A bill to tax the retailers of spiritous liquors, and to appropriate the monies arising therefrom to the use of common schools, was read and rejected.

Mr. Murray moved a reconsideration, which prevailed,

Mr. asked and obtained leave to withdraw the same for amendment.

And the Senate adjourned until Monday morning, 9 o'clock.

MONDAY MORNING, 12th DECEMBER, 1831.

Mr. Speaker Douglass presented the report of the President and Trustees of East Tennessee College, which was read and ordered to be transmitted to the House of Representatives. And

A communication from Benjamin Reynolds, on the subject of the southern boundary line; which was read and referred to the committee on said line.

Mr. Polk from the committee of enrolments, reported as correctly enrolled,

A resolution appointing Justices of the Peace for the county of Washington. An act for the relief of Cullen and Willie Bayless, and for other purposes. An act to improve the navigation of Obeds river in Overton and Fentress counties, and for other purposes. An act for the relief of the Covington Sentinels. An act to amend an act entitled an act to authorise Allen McDonald to open a turnpike road. An act for the benefit of Joseph Daney. An act to prevent the violation of graves, and the disturbance of the bodies of the dead. An act authorising executors to sell real estate in certain cases. An act to release Hale's turnpike from the payment of a State tax. An act requiring the entry taker of Bedford county to record certain entries. An act for the relief of John R. Charter. An act giving the purchasers and enterers of land in the Hiwassee district further time to obtain their grants. An act for the benefit of Field Farrow. And an act for the relief of Edmond Bean, a citizen of Rhea county.

The Speaker of the Senate signed said enrolled resolution and bills, and ordered them to be transmitted to the House of Representatives.

A bill to incorporate the Female Academy in the county of Rhea. was taken up.

Mr. Murray offered an amendment, which was received, and the bill read a second time and passed.

A bill to secure the attendance of Justices of the Peace to the discharge of the duties in the companies for which they were appointed.

A bill to authorise Females to obtain divorces in court without cost.

A bill to incorporate the Somerville Female Academy, were severally read a second time and passed.

The report made on Saturday by Mr. Bradford from the sub-committee appointed to ascertain the amount of Academy fund due each of the counties of this State, was, on motion of Mr. Davis, recommitted to said committee.

A bill to incorporate the stockholders of the city hotel in the city of Nashville, in the State of Tennessee, was taken up on its third and last reading in both Houses.

Mr. Field offered an amendment providing for the incorporation of the town of Upper Elkton, in the county of Giles, which was received.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives concur in your amendment of a bill to incorporate the stockholders of the city hotel in the city of Nashville. And then he withdrew.

Whereupon said bill was read a third and last time in both Houses, passed and ordered to be enrolled.

A bill to reduce the fees of clerks in certain cases, was withdrawn by Mr. Field for amendment.

Mr. Burford submitted the following:

Resolved by the General Assembly of the State of Tennessee, That all laws passed at the present session of the General Assembly in relation to *turnpike roads*, *bridges* and *rail roads*, be printed with the *private acts*; and that two copies of the private acts only be printed for each county, one to be deposited in the county court clerk's office, and the other in the circuit court clerk's office in each county, and one hundred in the office of the Secretary of State.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have taken up, on a third and last reading in both Houses, a bill to equalize the tax on merchants, and propose amending the same by inserting an amendment herewith transmitted immediately after the word "purchased," in the 7th line of the 4th section; in which they ask your concurrence They have also adopted a resolution appointing Justices of the Peace for the county of Blount; in which they ask your concurrence. And a resolution to go into an election of a surveyor for Monroe county; in which they also ask your concurrence. And then he withdrew.

Whereupon the Senate concurred in the amendment proposed by the House of Representatives to a bill to equalize the tax on merchants; in the resolution appointing Justices of the Peace for

the county of Blount; and in the resolution to go into an election of a surveyor for Monroe county at 11 o'clock this day.

Mr. Gillespy presented a report from the President and Trustees of the University of Nashville; which was read and ordered to be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Campbell their clerk,

MR. SPEAKER,

The House of Representatives are now ready to receive the Senate for the purpose of going into the several elections set apart for the day. And then he withdrew.

Whereupon, the Speaker and gentlemen of the Senate repaired to the hall of the House of Representatives, and proceeded to the election of a Chancellor for the western division, and on collecting and counting out the ballots, William A. Cooke was duly and contitutionally elected chancellor for the said western division of this State. The two houses next proceeded by joint ballot, to the election of an Attorney General for the 15th district, and on collecting and counting out the ballots it appeared that Roger Barton, a citizen of Hardeman county, was duly and constitutionlly elected Attorney General for the said 15th solicitorial district. The two houses next proceeded by joint ballot to the election of a board of Internal Improvement for East Tennessee, and upon collecting and counting the ballots, it appeared that Solomon D. Jacobs, William E. Cocke and David Deaderick were duly and constitutionally elected commissioners of said board of internal improvement. The two houses next proceeded to the election of Entry takers for the counties of Lincoln, Bedford, Claiborne and Humphreys, and on collecting and counting out the ballots it appeared that Wm. T. Ross was duly elected Entry taker for Lincoln county, Wm. B. Sutton for Bedford county, Joshua H. Chapman for Claiborne county,and Stephen C. Pavatt for the county of Humphreys. The two houses next proceeded by joint ballot to the election of Surveyors for the counties of Cocke, Humphreys, Marion, Sumner and Mohroe, and upon collecting and counting the ballots, it appeared that John Fowler was duly elected Surveyor for the county of Cocke, Isaac Little for the county of Humphreys, Nicholas S. Peck for the county of Monroe, Thomas Anderson for the county of Sumner, and Stephen Hicks for the county of Marion.

Whereupon the Speaker and gentlemen of the Senate returned to their own chamber.

Mr. Murray returned a bill to tax the retailers of Spiritous liquors, and moved to amend the same by striking out fifteen dollars for the purpose of inserting twenty-five dollars.

And the question thereupon being had, was determined in the negative. Ayes 8—Noes 12.

The ayes and noes being constitutionally demanded by Mr. Bradford,

The affirmative voters are,

Mr. Speaker, Andrews, Davis, Holman, Jetton, Lytle, Murray, Polk, 8.

The negative voters are,

Mr. Anderson, Brabson, Bradford, Burford, Field, Frey, Gillespy, Greene, McClellan, McIver, Perkins, Wyly—12.

And so said amendment was rejected.

Mr. Murray also moved to amend said bill by striking out the words, other than regular licensed tavern keeepers, which was agreed to; and the bill being upon its third and last reading in both houses.

Ordered that the clerk acquaint the House of Representatives with said proposed amendment and ask their concurrence therewith.

Mr. Field returned without amendment,

A bill to reduce the fees of clerks in cetain cases, which was read a third and last time in both houses, passed and ordered to be enrolled.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have had under consideration a bill to compensate Samuel G. Smith for services rendered and money expended in the service of the State, and the message of the Senate nonconcurring with the amendment heretofore proposed by the house of representatives to said bill, and have instructed me to inform the Senate that they insist upon said amendment.

Whereupon the question was had, will the Senate concur with said proposed amendment? and determined in the negative. Ayes 8—Noes 12.

The ayes and noes being constitutionally demanded by Mr. Brabson,

The affirmative voters are,

Mr. Speaker, Brabson, Davis, Frey, Greene, McClellan, Perkins, Wyly—8.

The negative voters are,

Mr Anderson, Andrews, Bradford, Burford,, Field, Gillespy, Holman, Jetton, Lyle, McIver, Murray, Polk,—12.

And so said amendment was nonconcurred with.

Ordered that the clerk acquaint the House of Representatives therewith.

A bill for the benefit of Thomas H. Fletcher and Demsey Powell. A bill for the benefit of George Wallace of Wayne county. A bill for the benefit of William Gibson. A bill for the relief of

Dempsey Cobet and others. A bill for the relief of Eliza Ditmore. A bill for the relief Amy Wherry. A bill to authorize the commissioners of the Bean Station Turnpike road to pay interest on certain money. A bill for the relief James H. Mosely of Franklin county. A bill for the benefit of Isaac West, and for the encouragement of Iron works in the Western district. A bill to amend the act incorporating the town of Bolivar. A bill to amend an act entitled an act to authorise Moses Fisk to open a turnpike road, passed Nov. 24, 1817, and for other purposes. A bill to establish a town on the land of Robt. Hobson of Hardeman county. A bill to authorize Andrew Taylor, jr. to build a fish trap. A bill for the benefit of Thomas Travis of Fentress county. A bill for the benefit of James Johnson. A bill to authorise letters of administration to be granted in cetain cases. A bill for the benefit of Joseph Dwyer. A bill to distribute the infantry tactics for the use of the militia. A bill for the relief of Isaac Low and D. C. Chamberlain. A bill for the relief of the securities of Joseph Stone. A bill for the benefit of securities in cases of peace warrants. A bill to repeal part of an act entitled an act to make two regiments, by a division of the 5th Regiment, were severally read a second time and passed.

A bill to authorise Jesse Lincoln and company to open a turnpike road, was laid on the table.

A bill for the benefit of John Sharp was taken up.

Mr, Anderson offered an amendment thereto, which was received.

The bill was then read a second time and passed.

A bill for the benefit of Henry Liggett. And

A bill to repeal part of an act of 1827, entitled an act to reduce into one the several acts concerning county revenue; were severally read, and indefinitely postponed.

A bill providing for the removal of obstructions in Elk river, was withdrawn by Mr. Field for amendment.

A bill to incorporate the Columbia Rail Road Company, was read a third time and passed.

A bill directing the payment of costs therein mentioned, was read and rejected.

Received from the House of Representatives,

A bill to close the different agencies and wind up the concerns of the Bank of the State; which was read a first time and passed.

A bill for the benefit of John Vincent. A bill for the benefit of Unice Cummings. A bill for the relief of sheriffs and others who have heretofore conveyed convicts to the Penitentiary. A bill to authorise Thomas Tipton and Zechariah Clarke, of Blount county, to open a turnpike road. A bill to authorise the sheriff of Jackson county to appoint three deputies, and for other purposes.

A bill to change the time of holding musters in the 116th regiment Tennessee militia.

A bill to repeal all laws heretofore passed incorporating the town of Athens in the county of McMinn, and for other purposes.

A bill to authorise William Simpson to open and establish a turnpike and toll bridge across Hatchee river. And a bill to authorise the register of West Tennessee to issue a certain grant, were severally read a third and last time in both Houses, passed and ordesed to be enrolled.

A bill to appoint Trustees of Mount Cumberland Academy, in Fentress county. And

A bill to regulate receiving toll at Robert Jetton's and John Elliott's turnpike gate at Sandy bridge in Carroll county; were severally withdrawn by Mr. Murray for amendment.

The Senate took up, on motion of Mr. Wyly,

A preamble and resolution from the House of Representatives, instructing our Senators and requesting our Representatives in Congress to oppose the rechartering of the Bank of the United States.

Mr. Field moved a concurrence.

Mr. Bradford offered the following in lieu thereof:

Resolved, by the General Assembly of the State of Tennessee, That the Senators from this State in the Congress of the United State be instructed, and the Representatives requested, to vote for rechartering the Bank of the United States, with a provision therein, authorising the different States to subscribe for stock equal in amount to one fourth of the original stock of said institution, with a further provision effectual in its character, prohibiting foreigners from subscribing for, or holding stock in, said bank, with such other modifications as they, in their opinion, may think best calculated to promote the interests of this State, and of the United States.

Mr. Burford moved an indefinite postponement of the Resolution from the House of Representatives, together with the foregoing one submitted in lieu by Mr Bradford; which being pronounced out of order by the chair, an appeal was taken by Mr. Burford to the Senate.

And thereupon the question was submitted, "Is the decision of the chair incorrect?"

And determined in the negative.

The ayes and noes being demanded,

The affirmative voters are,

Mr. Bradford, Burford, Davis, Frey, Gillespy, Holman, Jetton, Perkins—8.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Field, Greene, Lytle, McClellan, McIver, Murray, Polk and Wyly—12.

And so said decision of the chair was pronounced by the Senate to be correct.

Mr. Bradford then moved the adoption of the resolution submitted by him in lieu of the one from the house of representatives; and that a message be sent to the house informing them therewith; which being decided out of order by the chair, the sense of the Senate was not thereupon had.

Mr. Brabson called for the previous question,

And thereupon the question was had, "Will the Senate consider the previous question?" and determined in the negative—ayes 7, noes 13.

The ayes and noes being demanded,

Those who voted in the affimartive are,

Mr. Andrews, Brabson, Field, Greene, McClellan, Polk, Wyly—7.

Those who voted in the negative are,

Mr. Speaker, Anderson, Bradford, Burford, Davis, Frey, Gillespy, Holman, Jetton, Lytle, McIver, Murray, Perkins—13.

And so said call was overruled.

11 o'clock, P. m. Mr. Brabson moved the Senate to adjourn until the usual hour tomorrow morning.

And thereupon the question was submitted, "Will the Senate adjourn?" and determined in the negative—ayes 9, noes 11.

The ayes and noes being demanded,

Those who voted in the affirmative are,

Mr. Bradford Burford, Frey, Holman, Jetton, McIver, Murray, Perkins, Polk—9.

Those who voted in the negative are,

Mr. Speaker, Anderson, Andrews, Brabson, Davis, Field, Gillespy, Greene, Lytle, McClellan, Wyly—11.

And so said motion was lost.

Mr. Burford then moved to lay the resolution from the House of Representatives, as also the resolution submitted by Mr. Bradford, upon the table until Monday next.

And thereupon the question was had, and determined in the negative—ayes 7, noes 13

The affirmative voters are,

Mr. Bradford, Burford, Davis, Frey, Holman, Perkins, Polk —7.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Field, Gillespy Greene, Jetton, Lytle, McClellan, McIver, Murray, Wyly—13.

And so said motion was overruled.

Mr. Brabson moved the previous question.

And thereupon the question was had, "Will the Senate consider the previous question?" and determined in the affirmative—ayes 11, noes 9.

The ayes and noes being demanded constitutionally,

The affirmative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Field, Gillespy, Greene, Lytle, McClellan, Polk Wyly—11.

The negative voters are,

Mr. Bradford, Burford, Davis, Frey, Holman, Jetton, McIver, Murray, Perkins,—9.

And so said motion prevailed.

Whereupon the question was submitted, "Will the Senate concur with the resolution from the House of Representatives?" and determined it the negative—ayes 10, noes 10.

The ayes and noes being demanded,

Those who voted in the affirmative are,

Mr. Anderson, Andrews, Brabson, Field, Gillespy, Greene, Lytle McClellan, Polk, Wyly—10.

The negative voters are,

Mr. Speaker, Bradford, Burford, Davis, Frey, Holman, Jetton, McIver, Murray, Perkins 10.

And so said preamble and resolution were non-concurred with.

Ordered that the clerk acquaint the House of Representatives therewith.

And the Senate adjourned until tomorrow morning, 9 o'clock.

TUESDAY, 13th DECEMBER, 1831.

A resolution submitted yesterday by Mr. Burford concerning the publication and distribution of part of the acts of the present session of the General Assembly, was taken up and amended, on motion of Mr. Anderson, by striking out "two," and inserting "six," before the words "copies of the private acts only." And, on motion of Mr. Field, by providing that "all acts of incorporation" be printed with the private acts.

The resolution was then read as amended—adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Greene, from the joint select committee appointed to count the votes given at the last elections for Representatives, and for the call of a convention, made the following report:

"That they have performed that duty so far as returns have been received, and find that 70,345 votes have been polled in the 55 counties from which returns have been received for Representatives, and 32,882 votes appear to have been polled for the call

of a convention, leaving a majority of 2,290 votes against the call of a convention in said 55 counties.

"No returns have been received by your committee from either of the counties of Carroll, Claiborne, Anderson, Hawkins, Dyer, Obion and Marion for Representative, but that there appears to have been 2,145 votes given in the above named seven counties for the call of a convention.

JAMES L. GREENE, Chairman.

Counties.	No. votes for Rep.	No. votes for Con.	Counties.	No. votes for Rep.	No. votes for Con.
Smith,	2634	794	Wayne,	901	546
Sullivan,	1395	100	Williamson,	2746	1541
Warren,	2000	1776	Carter,	1013	75
Sumner,	2450	250	Roane,	1592	1133
Rhea,	1155	655	McMinn,	2123	1007
Jefferson,	1728	193	Knox,	2238	526
Maury,	3484	2466	Weakly,	752	184
McNairy,	906	647	Gibson,	942	359
Ruth'fo'd,	3056	1977	Dickson,	819	685
Blount,	1712	545	Stewart,	787	330
Grainger,	1476	169	Humphreys,	784	191
Hardin,	694	241	Montgomery,	1620	858
Greene,	2286	22	Davidson,	2213	2
Bledsoe,	801	704	Shelby,	838	144
Madison,	1564	756	Campbell,	721	47
Cocke, Sevier,	1577	352	Overton,	960	443
			Giles,	2248	657
Monroe,	1925	995	Robertson,	850	229
Hamilton,	395	137	Hardiman,	1269	444
Morgan,	300	298	Lincoln,	2246	507
White,	1187	1137	Wilson,	2815	989
Hickman,	951	839	Haywood,	806	207
Franklin,	2118	1690	Washington,	1668	4
Henry,	1885	325	Tipton,	635	186
Perry,	833	506	Jackson,	1282	711
Lawrence,	880	510	Bedford,	3434	481
Fayette,	803	398	Henderson,	1376	639
			Fentress,	372	325
				70,345	32,882
				35,172	
			Majority against convention,	2,290	

Counties.	Governor Rep.	Con.
Carroll for Governor,	1373	705
Claiborne, do.	1066	51
Anderson, do.	618	372
Hawkins, do.	1115	17
Dyer, do.	190	150
Obion, do.	350	250

Which was read and ordered to be spread on the records of the Senate, and transmitted to the House of Representatives.

Mr. Murray returned with an amendment,

A bill to repeal the act of 1827, chap. 27; which amendment was agreed to, and the bill was withdrawn by Mr. Burford for further amendment.

Mr. Murray withdrew and returned with an amendment,

A bill for the benefit of Elizabeth C. Bell; which amendment was agreed to, and the bill was read as amended a second time and passed.

A bill relating to water craft, that may be stopped when adrift on any of the waters of this State.

A bill to alter the time of holding regimental musters in the 32nd regiment of Tennessee militia.

A bill to incorporate the Knoxville and Southern rail road company.

A bill authorising sheriffs and other collecting officers of this State to make sets off in certain cases.

A bill to provide for the payment of costs in the suit, the State vs. Charles McNally.

A bill for the benefit of Leonard Carden, of Monroe county, as amended on motion of Mr. Anderson. And

A bill for the relief of William Kennard and others, were severally read a second time and passed.

A bill to amend the Judiciary system of this State was, on motion of Mr. Murray, laid on the table until Thursday next.

A bill to amend the sixty-fifth section of an act entitled an act to reform and amend the penal laws of the State of Tennessee, was, on motion of Mr. Field, indefinitely postponed.

A message from the House of Representatives by Mr. Campbell their clerk.

MR SPEAKER,

The House of Representatives have unanimously adopted a preamble and resolutions approving the course of the administration of the General Government; in which they ask your concurrence. And then he withdrew.

Whereupon the question was had, "Will the Senate concur with the preamble and resolutions adopted by the House of Representatives?" and determined unanimously in the affirmative.

And the ayes being constitutionally demanded by Mr. Frey,
The affirmative voters are are,
Mr. Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Field, Frey, Gillespy, Greene, Holman, Jetton, Lytle, McClellan, McIver, Murray, Perkins, Polk, Wyly—20.
There were no voters in the negative.
And so said preamble and resolutions were unanimously concurred with.
Ordered that the clerk acquaint the House of Representatives therewith.
Mr. Jetton moved that the Senate go into committee of the whole on the resolutions heretofore submitted by him in relation to the rechartering of the Bank of the United States.
Whereupon the question was had, "Will the Senate go into committee of the whole on said resolutions?" and determined in the negative—ayes 6, noes 9.
The ayes and noes on said question being constitutionally demanded by Mr. Gillespy,
The affirmative voters are,
Mr. Speaker, Bradford, Frey, Holman, Jetton, Murray—6.
The negative voters are,
Mr. Anderson, Andrews, Brabson, Davis, Field, Gillespy, Lytle, M'Clellan McIver—9.
And so said motion was lost.
A message from the House of Representatives by Mr. Campbell their clerk.
MR. SPEAKER,
The Speaker of the House of Representatives did this day sign enrolled bills and resolutions of the following titles, (to wit:).
An act for the relief of Mary Guest, widow and relict of Joshua Guest, deceased, late Jailer of Maury county. An act prescribing certain duties to the clerks of the several courts in this State. An act for the benefit of Robert Jetton and John Elliott. An act for the benefit of Custos O'Neal. And a resolution appointing Justices of the Peace for the county of Blount. And then he withdrew.
Whereupon the Speaker signed said enrolled bills and resolution, and ordered them to be deposited in the office of the Secretary of State.
Mr. Gillespy submitted the following preamble and resolutions:
Whereas it has become the practice of the several States of this Union, to make an expression of public sentiment by legislative resolutions upon many of the important measures of the General Government: And whereas it is deemed expedient by this General Assembly to express their opinion in relation to the course of the present Executive of the United States upon the

policy and constitutionality of a renewal of the charter of the Bank of the United States after its expiration in the year 1836:

Therefore,

Resolved, by the General Assembly of the State of Tennessee, That this General Assembly most decidedly approve of the course of President Jackson, and of his views and sentiments expressed in his messages communicated to the first and second sessions of the 21st Congress of the United States, opposing a rechartering of the present Bank of the United States.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their exertions in supporting the President of the United States, in opposing a recharter of the Bank of the United States, should any attempt be made in Congress for that purpose.

Resolved, That the Secretary of State furnish each of our Senators and Representatives in Congress with a copy of the foregoing preamble and resolutions.

A bill to provide for the payment of the unsatisfied claims adjudged valid for improvements in the Hiwassee district, was taken up and read a second time. Whereupon the question was had, shall this bill pass? and determined in the affirmative. Ayes 9—noes 8.

And the ayes and noes on said question being constitutionally demanded by Mr. Field,

Those who voted in the affirmative are,

Mr. Andrews, Brabson, Burford, Gillespy, Greene, Holman, Jetton, Lytle, M'Clellan—9.

The negative voters are,

Mr. Bradford, Davis, Field, Frey, McIver, Murray, Perkins, Polk—8.

And so said bill passed its second reading.

Mr. Gillespy returned without amendment,

A bill to appropriate money, and to appoint commissioners to superintend the opening a public road from Showns' cross roads. Whereupon said bill was rejected.

A bill for the relief of Allen D. Gentry. A bill to authorize David S. Shelton to build a wing mill dam on Sequatchee river. A bill for the benefit of James Young of Sparta. And a bill for the relief of Sally Hobson of Claiborne county, were read severally a second time and passed.

Mr. Greene from the joint select committee to which was referred the memorials of the citizens of McMinn, Hamilton and Marion praying that the civil jurisdiction of the laws of this State be extended over the Cherokee Indians within our borders, have had the same under consideration, and have instructed me to report the same reasonable and expedient; with a bill to extend the operation of the laws of this State over that portion of the

State included within the bounds of the Cherokee nation in certain cases and under certain restrictions, the passage of which they recommend.

Whereupon said bill was read a first time and passed.

A bill to amend an act entitled an act to incorporate the Nashvill and Franklin turnpike company, was read a third and last time in both houses; passed and ordered to be enrolled.

A bill to abolish imprisonment for debt, except in cases of fraud, was on motion of Mr. Murray, laid on the table.

Mr. Burford returned with amendment

A bill to repeal the act of 1827, chapter 37; the amendment was received and the bill as amended, read a 2d time and passed.

Mr. Murray returned without amendment,

A bill to regulate the receiving of toll at Robert Jetton and John Elliots' turnpike gate at Sandy bridge in Carroll county.

Whereupon the bill was read a third time and passed.

Mr. Bradford from the joint select committee appointed to ascertain the amount of the Academy fund, and the amount due each of the counties in this State, Reported that the committee have carefully examined the subject matter to them referred, and had instructed him to make the following report: That the whole amount of said fund paid into the State Bank, is seventy thousand six hundred and sixty-five dollars and twelve cents. The proportion of each county then is $1139 76.

That the county of Bedford is entitled to after deducting payments heretofore made, and adding interest upon the balance due since the debt was funded, and discounting interest on the amount paid heretofore since the same period, $977 91

Franklin c'ty entitled to	977 91	Gibson	439 76
Giles	439 76	Sumner	192 47
Robertson	354 80	Overton	439 76
Jackson	966 70	Fentress	1139 76
Williamson	766 26	Smith	1139 76
Davidson	965 46	Wayne	1139 76
Maury	890 76	Hardin	1139 76
Dickson	890 76	Hickman	1139 76
White	75 76	Montgomery	1139 76
Warren	414 76	Stewart	1139 76
Lawrence	364 76	Perry	1139 76
Carroll	364 76	Wilson	25 14
Obion	364 76	Henderson	1139 76
Humphreys	364 76	Dyer	1139 76
Henry	364 76	Madison	1139 76
Tipton	364 76	Haywood	1139 76
Lincoln	231 59	Hardeman	1139 76
Weakly	439 76	Fayette	1139 76
McNairy	439 76	Shelby	1139 76

Rutherford, (it appears by an act of Assembly)the sum of $600 was loaned to Joseph Dickson of said county by the Treasurer of West Tenaesse, of the amount going to Bradley Academy, $600 00
And amount paid since by Treasurer, 216 00

$816 00
Add interest from time funded, 199 92

Total, 1015 92
Cash paid by present Cashier, 775 00

1790 92
Deduct its proportion, 1139 76

Balance due State by said county, $651 16

Each county in East Tennessee being entitled as above shewn to $1139 76, no attempt has been made, to see how much has been paid to said counties or how much may be actually due at this time as all the evidence of this fact, is in the branch bank at Knoxville, the cashier of which must of necessity be authorized to settle and pay such balances according to the above estimate, all of which is respectfully submitted.

The committee beg leave to submit the following resolution,

Resolved, by the General Assembly of the State of Tennessee, That the Cashier of the Bank of the State, consider the above estimate as the proportion due to each of the counties therein specified and that he pay the same as is provided for by law. Mr. Jetton moved a nonconcurrence with said report so far as relates to the county of Rutherford, and thereupon the question was had, will the Senate nonconcur, and determined in the negative, ayes 3—noes 16.

The ayes and noes being demanded constitutionally by Mr. Burford,

The affirmative voters are,

Mr. Gillespy, Jetton, Lytle, 3.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Field, Frey, Greene, Holman, McClellan, McIver, Murray, Polk, Wyly, 16.

And so said motion was lost.

Whereupon on motion of Mr. Burford said report was concurred in and ordered to be transmitted to the House of Representatives. And said resolution was adopted.

WEDNESDAY MORNING, 14th DECEMBER, 1831.

Mr. Polk from the committee on enrolments, reported as truly enrolled,

An act to dispose of the public square and lots and other public property in old Montgomery, the former county seat in Morgan county, and for other purposes An act for the benefit of Joseph Hicks, Jailer of Hawkins county, and for other purposes. An act to change the time of holding regimental drill musters. An act to exonerate all persons living on Waldren's ridge in Rhea county, near Gordon's road, from mustering. An act to incorporate the Clarksville and Russellville rail road company. An act to authorise William Simpson to open and establish a toll bridge and turnpike road across Hatchee river and bottom. An act to repeal all laws heretofore passed incorporating the town of Athens in the county of Monroe, and for other purposes. An act to reduce the fees of clerks in certain cases. An act to amend the laws now in force regulating appeals in equity. An act to prevent sheriffs and other officers holding elections, from opening the tickets of voters before they are put in the ballot boxes. An act for the benefit of Unice Cummings. An act for the benefit of Joseph Vincent. An act for the relief of sheriffs and others who have heretofore conveyed convicts to the penitentiary. An act for the relief of those persons who are about to be injured by the loss of papers, records, &c. by the hurricane at Charlotte in 1830. An act authorising the county court of Giles county, to grant permission to Elijah Anthony, of Giles county, to build a mill. An act to authorise the register to issue a certain grant. An act to authorise the sheriff of Jackson county to appoint three deputies. An act to change the time of holding musters in the 116th regiment of Tennessee militia. An act to authorise Thomas Tipton and Zechariah Clarke, of Blount county, to open a turnpike road. And an act to extend the limits of the corporation of the town of Knoxville.

Whereupon said acts were signed by the Speaker, and ordered to be transmitted to the House of Representatives.

Mr. Frey from the committee on finance, to which was referred a bill to distribute the surplus books in the Secretary's office and for other purposes, reported the same with slight amendments, and recommended its passage.

Whereupon said bill was read as amended a second time and passed.

Mr. Gillespy from the Judiciary committee, reported,

A bill declaratory of the law concerning contempts of courts and recommended its passage. And

A bill authorising appeals in cases of contempts with an amendment in lieu of the whole thereof.

Whereupon said report was concurred in, the amendment adopted, and said bills read a second time and passed.

Mr. Gillespy, from the same, also reported,

A bill declaratory of the law concerning contempts of court, and recommend its rejection.

Whereupon said bill was rejected.

The preamble and resolutions submitted on yesterday by Mr. Gillespy, approving the course of President Jackson, and his views and sentiments as expressed in his messages communicated to the 1st and 2nd sessions of the 21st Congress of the United States upon that subject, and instructing our Senators, and requesting our Representatives in Congress to support the President of the United States in his opposition to the rechartering of the present United States' Bank, was taken up and read.

Mr. Davis moved the indefinite postponement of said preamble and resolution.

And thereupon the question was had, "Will the Senate postpone indefinitely said preamble and resolution?" it was determined in the negative. Ayes 10—Noes 10.

The ayes and noes being demanded constitutionally by Mr. Anderson,

The affirmative voters are,

Mr. Speaker, Bradford, Burford, Davis, Frey, Holman, Jetton, McIver, Murray, Perkins—10.

The negative voters are,

Mr Anderson, Andrews, Brabson, Field, Gillespy, Greene, Lyle, McClellan, Polk and Wyly—10.

And so said motion was overruled.

Whereupon Mr. Wyly moved the adoption of said preamble and resolutions.

And the question being had, "Will the Senate adopt said preamble and resolutions?" it was determined in the negative—yeas 10, nays 10.

The yeas and nays being constitutionally demanded by Mr. Wyly,

The affirmative voters are,

Mr. Anderson, Andrews, Brabson, Field, Gillespy, Greene, Lytle, McClellan, Polk and Wyly—10.

The negative voters are,

Mr. Speaker, Bradford, Burford, Davis, Frey, Holman, Jetton, McIver, Murray and Perkins—10.

And so said preamble and resolutions were not adopted.

Mr. Speaker Douglass presented a report of the common school commissioners for Wilson county, which was read and ordered to be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Campbell their clerk,

MR. SPEAKER,

The House of Representatives have had under consideration a bill to compensate Samuel G. Smith for services rendered and money expended in the service of the State, together with the message from the Senate non concurring in the proposed amendment of the House of Representatives, by striking out $1000, and inserting $700, and have instructed me to inform the Senate that they again insist upon said amendment, and again ask the concurrence of the Senate therein.

Whereupon the question was had, "Will the Senate concur with said proposed amendment?" and determined in the negative.

Ordered that the clerk acquaint the House of Representatives therewith.

A bill further to define and extend the jurisdiction of Justices of the Peace. And

A bill for the relief of James Drennen, of Wilson county, were severally read a third and last time in both Houses, passed and ordered to be enrolled.

Mr. Gillespy submitted the following preamble and resolutions:

Whereas it is believed by this General Assembly, that a crisis has arrived in the administration of the affairs, and the exercise of the powers of the General Government of this Union, when it has become proper to express by Legislative resolution of the several States, the opinion entertained of the power assumed by Congress under the constitution of the United States, to make internal improvements in the several States without their consent, and to authorise the executive of the United States to subscribe stock in State incorporations for the benefit of local objects of internal improvement:—And whereas it is believed this power has been exercised by the Congress of the United States to an unwarranted extent under the federal constitution of this Union:

Therefore,

Resolved, by the General Assembly of the State of Tennessee That this General Assembly most decidedly deprecate the exercise of the power which has been assumed by Congress, of appropriating money out of the treasuryof the United States, to be expended upon local objects of improvement within the several States, and in subscribing for stock under State incorporations.

Resolved, That this General Assembly most cordially approve of the views and sentiments of President Jackson in relation to internal improvement by the General Government, communicated to the Congress of the United States in his message, putting a veto upon the Lexington and Maysville turnpike road bill.

Resolved, That the Secretary of State furnish a copy of the foregoing preamble and resolutions to each of our Senators and Re-

presentatives in Congress, and to the executives of the several States of the Union.

Whereupon Mr. Gillespy moved that the rule requiring resolutions to lie one day upon the table be suspended, and said preamble and resolutions be put upon their passage; which motion was agreed to:

And the question put, "Will the Senate adopt the preamble and resolutions?" and determined in the affirmative—ayes 19, noes none.

And the ayes and noes on said question being constitutionally demanded by Mr. Murray,

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Field, Frey, Gillespy, Greene, Jetton, Lytle, McClellan, McIver, Murray, Perkins, Polk, Wyly—19.

The negative voters were none.

And thus said preamble and resolutions were adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A bill to tax the retailers of spiritous liquors, and to appropriate the monies arising therefrom to the use of common schools, was taken up, on its third and last reading in both houses.

Mr. Brabson moved an indefinite postponement of said bill; which motion failed—ayes 7, noes 12,

And the ayes and noes on said question being constitutionally demanded by Mr. Davis,

The affirmative voters are,

Mr. Douglass, Andrews, Brabson, Bradford, Burford, Frey, Perkins—7.

The negative voters are,

Mr. Anderson, Davis, Field, Gillespy, Greene, Holman, Jetton, Lytle, McClellan, McIver, Murray, Wyly—12.

And so the Senate refused indefinitely to postpone said bill.

And thereupon the question was had, "Shall this bill pass?" and determined in the affirmative—ayes 12, noes 8.

The ayes and noes on said question being constitutionally demanded by Mr. Andrews,

Those who voted in the affirmative are,

Mr. Anderson, Davis, Field, Gillespy, Holman, Jetton, Lytle, McClellan, McIver, Murray, Polk, Wyly—12.

The negative voters are,

Mr. Speaker, Andrews, Brabson, Bradford, Burford, Frey, Greene, Perkins—8.

And so said bill passed a third and last reading in both Houses. with an order to be enrolled.

A bill concerning free persons of color, was taken up on its third and last reading.

Mr. Greene moved to strike all of the 4th section after the words "forthwith remove from this State;" which was agreed to.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence with said amendment.

A bill to abolish imprisonment for debt, except in cases of fraud, was taken up and read a third and last time in both houses,

And the question was had, "Shall the bill pass?" and determined in the affirmative—ayes 14, noes 6.

The ayes and noes on said question being constitutionally demanded by Mr. Brabson,

The affirmative voters are,

Mr. Speaker, Anderson, Andrews, Burford, Field, Gillespy, Greene, Holman, Jetton, cMClellan, McIver, Murray, Polk, Wyly—14.

Those who voted in the negative are,

Mr. Brabson, Bradford, Davis, Frey, Lytle, Perkins—6.

And so said bill passed a third and last reading in both Houses with an order to be enrolled.

A bill to authorise the commissioners of the Western District turnpike road to rescind the contract existing between said commissioners and John Thomas, jr. and for other purposes.

A bill to amend an act entitled an act to establish turnpike roads and toll bridges in the Western District, were read a third time and passed.

Mr. Field returned with an amendment,

A bill to enable the occupants of the Western District to secure their occupancies, and for other purposes.

Thereupon the question was had "Will the Senate make the amendment proposed, by striking out '1st January, 1833,' for the purpose of inserting '1st of September, 1832.'" and determined in the negative—ayes 9, noes 11.

The ayes and noes on said question being constitutionally demanded by Mr. Field,

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Brabson, Field, Gillespy, Holman, Lytle, McClellan, Polk—9.

The negative voters are,

Mr Andrews, Bradford, Burford, Davis, Frey, Greene, Jetton, McIver, Murray, Perkins. Wyly—11.

And so the Senate refused to make said amendment.

Mr. Gillespy moved to reinstate the second section of said bill which had heretofore been stricken out.

Whereupon the question was had, "Will the Senate reinstate the second section of said bill?" and determined in the negative—ayes 6, noes 13.

The ayes and noes on said question being constitutionally demanded by Mr. Wyly,

The affirmative voters are,

Mr. Brabson, Field, Gillespy, Holman, Lytle, Polk—6.

Those who voted in the negative are,

Mr. Speaker, Andrews, Bradford, Burford, Davis, Frey, Greene, Jetton, McClellan, McIver, Murray, Perkins, Wyly—13

And so the Senate refused to reinstate said second section.

Whereupon the question was had shall thie bill pass? and determined in the negative. Ayes 6—Noes 14.

The ayes and noes on said question being constitutionally demanded by Mr. Field,

Those who voted in the affirmative are,

Mr. Brabson, Field, Gillespy, Holman, Lytle, Polk, 6.

Those who voted in the negative are,

Mr. Speaker, Anderson, Andrews, Bradford, Burford, Davis, Frey, Jetton, Greene, McClellan, McIver, Murray, Perkins, Wyly —12.

And so the bill was rejected.

A bill making the bridge at Shelbyville toll free forever and for other purposes. A bill for the relief of Jonas B. Liles of Obion county. A bill for the relief of John W. P. McGimpsey and Flora McGimpsey were severally read a second time and passed.

Received from the House of Representatives,

A bill appointing commissioners to run and mark the line between the counties of Bedford and Maury.

A bill creating a board of Internal improvement for the counties of Giles, Lincoln, Franklin and Rutherford, which were severally read a first time and passed.

A bill to establish boards of internal improvement fer the several counties of this State, west of the Tennessee river, was taken up, Mr. Davis moved to reinstate the amendment stricken out in the House of Representatives, which was agreed to.

Ordered that said amendment be reinstated; Mr. Greene then withdrew the bill for amendment.

A bill for the benefit of the former jailer of Monroe county, was read a third and last time in both houses, passed and ordered to be enrolled.

Mr. Gillespy then moved that the Senate adjourn till tomorrow morning 9 o'clock. Thereupon the question was had, will the Senate adjourn as moved? and determined in the negative. Ayes 9—noes 10.

The ayes and noes on said question being constitutionally demanded by Mr. Burford,

The affirmative voters are,

Mr. Davis, Gillespy, Greene, Holman, Jetton, McIver, Murray, Perkins, Polk—9.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Field, Frey, Lytle, and Wyly—10.

And so the Senate refused to adjourn.

Mr. Anderson having voted in the negative on the question of passing A bill to enable the occupants of the Western District to secure the occupancies and for other purposes; which bill was rejected to day, moved a reconsideration of said question.

Whereupon the question was had will the Senate reconsider the vote rejecting said bill, and determined in the affirmative. Ayes 11—noes 6.

The ayes and noes on said question being constitutionally demanded by Mr. McIver,

The affirmative voters are,

Mr. Speaker, Anderson, Brabson, Field, Frey, Gillespy, Greene, Lytle, Perkins, Polk, Wyly—11.

Those who voted in the negative are,

Mr. Andrews, Bradford, Burford, Jetton, McIver, Murray—6.

And so the Senate agreed to reconsider the vote rejecting said bill and it was withdrawn by Mr. Anderson for amendment.

A bill to regulate the Academies in this State, was read a third time and pased.

Mr. Greene returned with an amendment A bill to establish boards of internal improvement in the several counties of this State, west of the Tennessee river and for other purposes, which amendment was agreed to. Mr. Andrews then moved that the original bill be reinstated.

Whereupon the question was had, will the Senate reinstate the original bill? and determined in the affirmative. Ayes 16—noes 2.

The ayes and noes on said question being constitutionally demanded by Mr. McIver,

The affirmative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Field, Frey, Gillespy, Greene, Holman, Jetton, Lytle, Murray, Polk, Wyly—16.

The negative voters are,

Mr. McIver, Perkins—2.

And so the Senate determined to reinstate the original bill.

Mr. McIver then moved that the bill be laid on the table until the tenth day of the next session of the General Assembly. Thereupon the question was had "Will the Senate lay the bill on the table as proposed?" and determined in the negative, ayes 5—noes 14.

The ayes and noes being constitutionally demanded on said question by Mr. McIver,

The affirmative voters are,

Mr. Burford, Gillespy, Holman, McIver, Polk, 5.

Those who voted in the negative are,

Mr. Speaker, Anderson, Andrews, Brabson, Bradford, Davis, Field, Frey, Greene, Jetton, Lytle, Murray, Perkins, Wyly, 14.

And so the Senate refused to lay the bill on the table.

Whereupon the question was had "shall the bill pass?" and determined in the affirmative Ayes 18—noes 1.

The ayes and noes being constitutionally demanded by Mr. McIver,

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Field, Frey, Gillesny, Greene, Holman, Jetton, Lytle, Murray, Perkins, Polk, Wyly, 18.

The negative voter is,

Mr. McIver.

And so said bill passed a third reading in the Senate.

A bill to amend the militia laws of this State was taken up on its second reading. Mr. Gillespy moved an amendment making the provost marshal, the officer to collect all moneys called for by the executions issued by judge advocates, which amendment was rejected, and the bill read a second time and passed.

A bill to provide for the holding of a chancery court at Monroe in Overton county, and for other purposes. A bill for the benefit of William Motherhead. A bill to establish a turnpike bridge across Hatchie river in Haywood county. And A bill to regulate proceedings in chancery in this State, were read a second time, and severally passed.

A bill relative to the registration of deeds and for other purposes, was read a third time and passed.

A bill to establish a volunteer company in Knoxville. A bill for the benefit of Azor Wyly. A bill supplemental to an act, passed Dec. 6, 1825, entitled an act to authorize Wm. Reynolds of Greene county to open a turnpike road. A bill to amend the laws now in force regulating the town of Jonesboro' in the county of Washington. A bill for the benefit of securities in cases of peace warrants. And A bill for the relief of the securities of Joseph Stone, were severally read a third and last time in both houses, passed and ordered to be enrolled.

A bill to regulate the practice on writs of mandamus. A bill for the benefit of the heirs of Daniel Wheaton and James Tisdale. And a bill to alter the time of holding the regimental muster in the 112th regiment, were severally read a second time and passed.

A bill limiting prosecutions for misdemeanors, was read a third time and passed.

A bill to authorise the county court of Greene to grant to Robert C. Gordon the privilege of erecting a toll bridge across Lick creek in the county of Greene, was read a second time and passed.

Mr. Greene withdrew and returned with an amendment,

A bill to amend an act to authorise Thomas Wheeler of Campbell county to open a turnpike road, passed December 13th 1827; which amendment was agreed to, and said bill read a second time and passed.

A bill to amend the laws now in force in relation to Harris's turnpike road across Cumberland mountain, was read a second time and passed.

Received from the House of Representatives,

A bill for the benefit of Susan R. Pistole. A bill for the relief of John Charlton and others. A bill for the benefit of Wm. P. Steagauld. A bill supplemental to an act passed at the present session of the General Assembly entitled an act to dispose of the forfeited lands in the Hiwassee District. A bill authorising the establishment of fire companies. A bill to release Gardner's turnpike from the payment of a State tax. A bill to change the name and make legitimate the persons therein named. A bill for the relief of the heirs of Wm. Gant. And a bill to raise twenty thousand dollars to authorise Jesse Allen to build a bridge across the Caney Fork; all of which were severally read a first time and passed.

THURSDAY, 15th DECEMBER, 1831.

Mr. Greene presented a petition of Joseph G. Smith and Thomas Riddle, for leave to establish a turnpike road; which was read and referred to the committee on internal improvement.

Mr. Frey from the select committee appointed to take into consideration the propriety of taking the enumeration of the free male inhabitants of this State, reported, with several amendments,

A bill, to them referred, to provide for taking the enumeration of the free male inhabitants of this State, and recommend its passage.

Whereupon said report was concurrred in, and said bill read a second time and passed.

Mr. Greene, from the committee on new counties and county lines, to which was referred a bill to establish the county of De Kalb in this State, recommended the reinstating of the original bill and its passage in that State; which was concurred in, and said original bill reinstated.

Mr. Bradford moved an indefinite postponement of the bill; which motion was lost.

Whereupon the question was had, "Shall the bill pass?" and determined in the affirmative—ayes 14, noes 5.

The ayes and noes on said question being constitutionally demanded by Mr. Bradford,

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Burford, Davis, Frey, Gillespy, Greene, Holman, Jetton, Lytle, McClellan, McIver, Perkins, Wyly—14.

The negative voters are,

Mr. Andrews, Brabson, Bradford, Murray, Polk—5.

And so said bill passed a second reading.

Mr. Gillespy returned with an amendment in lieu of the whole,

A bill to provide for holding a chancery court at Knoxville and Athens.

Mr. McClellan moved to strike out that part providing for the removal of the court from Rogersville, in Hawkins county, to Rutledge, in Grainger county.

And thereupon the question was had, "Will the Senate strike out as proposed?" and determined in the affirmative—ayes 9, noes 8.

And the ayes and noes on said question being constitutionally demanded by Mr Brabson,

The affirmative voters are,

Mr. Anderson, Andrews, Field, Holman, Jetton, Lytle, McClellan, Perkins, Wyly—9.

The negative voters are,

Mr. Brabson, Bradford, Davis, Frey, Gillespy, McIver, Murray, Polk—8.

And so said provision was stricken out.

Mr. Murray then moved that the bill be laid on the table until tomorrow night, which was agreed to.

Mr. Field returned, without amendmenment,

A bill providing for the removal of obstructions in Elk river.

Mr. Burford moved that the preamble be stricken from said bill; which motion was agreed to, and the bill read as amended a second time and passed.

Mr. McIver submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That Thomas James be, and hereby is appointed, a Justice of the Peace for the county of Madison.

Mr. Anderson returned, without amendment,

A bill to enable the occupants of the Western District to secure their occupancies, and for other purposes; which was laid on the table.

A bill to provide for the payment of the expenses incurred in the trial of Judge Haskell, was taken up.

Mr. Gillespy moved to reinstate "one hundred dollars," as the compensation to the clerk of the court of impeachment striking

out "fifty dollars," which had been substituted therefor in the House of Representatives; which was agreed to.

Ordered that one hundred dollars be reinstated.

Mr. Greene moved to reinstate the provision allowing the Sergeant at arms four cents per mile for travelling in serving subpœnas; which provision had been stricken out in the House of Representatives.

Thereupon the question was had, "Will the Senate reinstate as moved for?" and determined in the affirmative—ayes 12, noes 8.

The ayes and noes on said question being constitutionally demanded by Mr. Bradford,

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Andrews, Brabson, Gillespy, Greene, Holman, Jetton, Lytle, McIver, Perkins, Polk—12.

The negative voters are,

Mr. Bradford Burford, Davis, Field, Frey, McClellan, Murray, Wyly—8.

And so the Senate ordered that said provision be reinstated.

And the bill was read a third time and passed.

A bill to amend the Judiciary system of the State of Tennessee, was taken up on its third and last reading in both Houses, and amended on motion of Mr. Jetton and Mr. Davis.

Mr. Bradford moved to strike out "twelve," for the purpose of inserting "three" dollars, as the forfeiture of the Judges for failing to attend at court at any day during session; which was rejected —ayes 3, noes 16.

The ayes and noes on said question being constitutionally demanded by Mr. Bradford,

The affirmative voters are are,

Mr. Andrews, Bradford, Murray—3.

Those who voted in the negative are,

Mr. Speaker, Anderson, Brabson, Burford, Davis, Field, Frey, Gillespy, Greene, Holman, Jetton, Lytle, McClellan, McIver, Polk, Wyly—16.

And so the Senate refused to make said amendment.

Mr. Bradford moved that so much of said bill as speaks of a Chief Justice be stricken out.

And thereupon the question was had, "Will the Senate strike out as proposed?" and determined in the negative—ayes 6, noes 13.

The ayes and noes on said question being constitutionally demanded by Mr. Bradford,

The affirmative voters are,

Mr. Andrews, Brabson, Bradford, M'Clellan, McIver, Murray—6.

The negative voters are,

Mr. Speaker, Anderson, Burford, Davis, Field, Frey, Gillespy, Greene, Holman, Jetton, Lytle, Polk, Wyly—13.

And so the Senate refused to make said amendment.

Ordered that the clerk acquaint the House of Representatives with the amendment proposed by the Senate to said bill, and ask their concurrence therein.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign enrolled bills of the following titles, (to wit:)

An act to appoint Trustees of Mount Cumberland Academy, of Fentress county. An act to incorporate the Columbia rail road company. And an act for the relief of Nathan Jobe. The House of Representatives have adopted resolutions appointing Justices of the Peace for Grainger, Rhea, Fentress, Hardeman, Henderson, Overton, Morgan, Haywood, White and Smith; in which they ask the concurrence of the Senate. The House of Representatives unanimously concur with the several amendments proposed by the Senate to a bill to amend the Judiciary system of this State. And then he withdrew.

Whereupon the Speaker of the Senate signed said enrolled bills and ordered them to be deposited in the office of the Secretary of State.

The Senate concurred in the resolutions mentioned in the foregoing message.

Ordered that the clerk acquaint the House of Representatives therewith.

The Senate then took up and read as amended, the bill to amend the Judiciary system of the State of Tennessee.

And thereupon the question was had, "Shall the bill pass?" and determined in the affirmative—ayes 12, noes 8.

The ayes and noes being demanded constitutionally by Mr. Wyly,

The affirmative voters are,

Mr. Speaker, Andrews, Davis, Field, Frey, Gillespy, Holman, Jetton, Lytle, McIver, Perkins, Polk—12.

The negative voters are,

Mr. Anderson, Brabson, Bradford, Burford, Greene, McClellan, Murray, Wyly—8.

And so said bill passed its third and last reading, with an order to be enrolled.

A bill to repeal part of an act passed 7th January, 1830, chapter 76, was read a second time and passed.

A bill for the benefit of the Methodist Episcopal Church in Perry county, was taken up on its second reading,

And thereupon the question was had, "Shall the bill pass?" and determined in the affirmative—ayes 15, noes 5.

The ayes and noes being constitutionally demanded by Mr. Field,

Those who voted in the affirmative are,

Mr. Speaker, Andrews, Bradford, Burford, Davis, Gillespy, Greene, Holman, Jetton, Lytle, McClellan, McIver, Murray, Perkins, Wyly—15.

The negative voters are,

Mr. Anderson, Brabson, Field, Frey, Polk—5.

And so said bill passed a second reading.

A bill to amend an act passed 7th Oct. 1817, regulating the town of Charlotte in the county of Dickson. A bill to regulate the State tax on law suits. And a bill for the benefit of Robert V. McGimpsey, were severally read a second time and passed.

A bill for the benefit of Daniel Madding. A bill to repeal an an act authorizing the mayor and aldermen of the town of Huntingdon to sell certain alleys and for other purposes. A bill relating to water crafts that may be stopped when adrift on any of the waters of this State. A bill for the benefit of John Chism, John Jett, Thomas Bounds and John Lyon. A bill for the benefit of Richard Locke. And A bill to alter the time of holding regimental muster in the 32d regiment of Tennessee militia, were severally read a third and last time in both houses, passed and ordered to be enrolled.

Mr. Polk submitted the following,

Resolved, That the Senate meet the House of Representatives in the Representative Hall on Monday the 19th instant, at 10 o'clock A. M. for the purpose of electing a chief justice, and also an associate judge of the Supreme court of Errors and Appeals, in place of John Catron resigned, and also a reporter of the decisions of the Supreme court, and a Treasurer of middle Tennessee.

Whereupon the rule requiring resolutions to lie one day on the table being suspended, on motion of Mr. Polk said resolution was adopted.

Ordered that the clerk acquaint the house of representatives therewith, and ask their concurrence therein.

Mr. Gillespy submitted the following,

Resolved, by the General Assembly of the State of Tennessee, That the resolution of this General Assembly proposing an adjournment of both Houses of this General Assembly on Monday next be, and the same is hereby rescinded; and that the two branches of this General Assembly adjourn on the instant.

A bill to suppress open and notorious lewdness, and for other purposes, was taken up on its third and last reading in both houses and rejected.

A bill to remove the sittings of the Supreme court from Rey-

noldsburg to Clarksville was taken up on its second reading, and thereupon the question was had, shall this bill pass? and determined in the negative. Ayes 5—noes 12.

The ayes and noes on said question being constitutionally demanded by Mr. Frey,

Those who voted in the affimartive are,

Mr. Brabson, Burford, Frey, Gillespy, Lytle, 5.

The negative voters are,

Mr. Speaker, Andrews, Bradford Davis, Field, Greene, Jetton, McClellan, McIver, Murray, Polk, Wyly, 12.

And so said bill was rejected.

Mr. Davis having voted in the majority on the question of the passage of said bill, moved a reconsideration thereof, which was agreed to. Mr. Frey then withdrew said bill for amendment.

Mr. Gillespy submitted the following,

Resolved, That the Senate meet the House of Representatives in the Representative Hall on Monday next, for the purpose of electing three inspectors of the public jail and penitentiary of this State, and also for the purpose of electing a President, Cashier and Directors of the Bank of the State of Tennessee.

Whereupon the rule requiring resolutions to lie one day on the table being suspended, on motion of Mr. Bradford said resolution was adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A bill to appoint additional trustees for the Bolivar Female Academy in the county of Hardeman. A bill to repeal an act to provide a permanent office for the public papers of this State. A bill to appoint Hugh Houston a commissioner for the town of Rutledge. A bill for the benefit of Elisha Askew. A bill for the relief of Orange Ham of Williamson county. A bill to restore James Carroll of Campbell county to legal privileges. A bill to change the time of holding the Supreme court at Jackson. A bill to authorise George W. Wood to open a turnpike road. A bill for the benefit of Elizabeth C. Bell and others. A bill to incorporate the town of Liberty in the county of Smith. A bill to open and keep in repair the ford road in Hawkins and Sullivan county. A bill to amend the laws on the subject of the Chancery courts in this State. A bill for the benefit of Thomas L. Gray of Haywood county. A bill to prevent non-residents from grazing their stock in the counties of Claiborne and Campbell. A bill to set apart twenty-five acres of land in Henderson county for a school house. A bill to amend the penal laws of this state, passed in 1829, '30. A bill to repeal the 13th section of an act, passed in 1779, chapter 10. And a bill exempting certain citizens of Marion county from attending regimental musters; were severally

read a third and last time in both, passed and ordered to be enrolled.

A bill to divorce Henry Anderson from his wife Fanny Anderson, and for other purposes, was withdrawn by Mr. Davis for amendment.

A bill for the benefit of John B Rogers and Archibald C. Rogers of Fentress county. A bill to compel the owners of turnpike roads and toll bridges to keep them in repair. A bill to prevent trespasses upon school lands in Warren county. A bill for the relief of Eliza Ditmore. A bill for the relief of Amy Wherry of Wilson county. A bill for the benefit of Wm. Gibson. A bill to incorporate a Female academy in the county of Rhea. A bill for the relief of James H. Mosely of Franklin county. A bill to authorize the commissioners of the Bean Station turnpike road to pay interest in certain cases. A bill to authorize Andrew Taylor, jr. to build a fish trap. A bill for the benefit of James Johnston. A bill for the relief of Dempsey Corbet, and others. A bill for the benefit of Thomas Travis of Fentress county, were severally read a third and last time in both houses and ordered to be enrolled.

A bill to alter the line between Overton and Fentress county, so as to include Willis Huddleston in Overton county, was taken up on its third and last reading in both Houses. Mr. Field offered an amendment to said bill, which was agreed to.

Ordered that the clerk acquaint the House of Representatives with said proposed amendment and ask their concurrence therein.

Mr. Davis returned a bill to divorce Henry Anderson from his wife Fanny Anderson, and for other purposes, with an amendment thereto. Mr. Brabson offered an amendment to said amendment: which amendments were agreed to, said bill being on its third and last reading in both houses,

Ordered that the clerk acquaint the House of Representatives with said proposed amendments and ask their concurrence therein.

A bill to compel the commissioners of the county seat of Monroe county, to make a settlement, was read a second time and passed.

Mr. Frey returned A bill to authorize the counties of Robertson, Montgomery and Dickson to take appeals to the Supreme court at Nashville as an amendment in lieu of a bill to remove the sittings of the Supreme court of Errors and Appeals from Reynoldsburg to Clarksville from the word A bill which amendment was agreed to, and said bill read as amended a second time and passed.

A bill authorizing letters of administration to be issued in certain cases, was withdrawn by Mr. Holman for amendment.

A bill to establish a town on the lands of Robert Robson in Hardeman county. A bill to repeal part of an act entitled an act to make two regiments by a division of the 5th regiment; passed 12th October, 1829. A bill for the relief of Thomas H. Fletcher and Dempsey Powell. A bill to authorise Hastings Poe and Asahel Rawlings to open a turnpike road. A bill for the benefit of Joseph Dwyer. A bill to amend an act entitled an act to authorise Moses Fisk to open a turnpik road, passed 24th November, 1817, and for other purposes. A bill to amend an act incorporating the town of Bolivar, in Hardeman county. A bill for the benefit of Isaac Lowe and D. C. Chamberlin. A bill to authorise females to obtain divorces in court without costs. A bill to authorise the Somerville Female Academy. A bill for the relief Charles McNally, of McMinn county, and Jonathan Crawford. And a bill for the benefit of Isaac West, and for the encouragement of iron works in the Western District; were severally read a third and last time in both Houses, passed and ordesed to be enrolled.

A bill for the relief of Miller Isbel and others therein named, was, on motion of Mr. Davis, laid on the table.

A bill to amend an act to incorporate the Big Hatchee Turnpike Company, was read a third time and passed.

A bill for the relief of Miller Isbel and others therein named. A bill for the benefit of James Childress. And a bill to allow the sheriffs of Obion and Dyer counties further time for the payment of certain taxes: were severally read a third time and passed.

A bill to give jurisdiction to Justices of the Peace in cases of assaults and batteries by consent of parties, was read a second time.

Whereupon the question was had, "Shall this bill pass?" and determined in the negative—ayes 9, noes 10.

The ayes and noes on said question being constitutionally demanded by Mr. Brabson,

The affirmative voters are,

Mr. Andrews, Burford, Gillespy, Jetton, Lytle, M'Iver, Murray, Perkins, Wyly—9.

The negative voters are,

Mr. Speaker, Anderson, Brabson, Davis, Field, Frey, Greene, Holman, McClellan, Polk—10.

And so said bill was rejected.

A bill to compensate Charles F. Keith for services in adjudicating Hiwassee improvements. And

A bill for the relief of Peter North, of Jefferson county, were severally read a second time and passed.

A bill supplemental to an act entitled an act to appropriate the school lands in the Hiwassee District to the use of schools

for the instruction of children therein; passed at the present session of the General Assembly.

A bill to provide for the circulation and preservation of the Journals of the Congress of the United States, and for other purposes, was amended, on motion of Mr McClellan, by providing that the Journals should be distributed to the captains of companies, instead of to Justices of the Peace; read a third time and passed.

A bill concerning the publication of the decisions of the Supreme court of this State. And

A bill for the relief of Joseph P. Neally and James C. Neally, of the county of Jackson, were severally read a third time and passed.

Mr. Gillespy submitted the following.

Resolved, by the General Assembly of the State of Tennessee, That E. H. Weir be, and he is hereby appointed, a notary public for the county of Monroe.

A bill to prevent the lapse of a year and a day from nullifying judgments rendered by Justices of the Peace, was, on motion of Mr. Greene, indefinitely postponed.

A bill to reduce the fees of clerks for recording an account current rendered by a guardian, was read a second time and passed.

Bills from the House of Representatives; viz.

A bill to divorce Anna Ball from her husband William Ball. A bill for the relief of Lewis Ross. A bill for the benefit of John Brown. A bill regulating the returns of writs of the supreme court. A bill to repeal the 112th section of the 69th chapter of the act of 1825, and to compel the officers and privates of volunteer companies to keep the public arms in good order and condition. A bill for the relief of Matthew McClanahan, late sheriff of Rutherford county. A bill to extend the north boundary line of the corporation of the town of Lebanon. A bill to furnish Major Charles Abel's volunteer company of cavalry, of Lincoln, with swords and pistols. And a bill to establish a circuit court of law and equity for the county of Davidson, were severally read a first time and passed.

A message from the House of Representatives by Mr. Campbell their clerk,

MR. SPEAKER,

The House of Representatives are now ready to receive the Senate, for the purpose of considering the propriety of recommending to the good people of this State, to vote for or against the call of a convention at the next general elections in this State. And then he withdrew.

Whereupon the Speaker and gentlemen, members of the Senate repaired to the hall of the House of Representatives,

And thereupon Mr. Dunlap offered the following resolution, (to wit:)

Resolved, That the proceeding of the committee of the whole, of the two houses, on the subject of a convention be recorded by the clerks of the Senate and House of Representatives in the journal of each house.

Whereupon the question was submitted, "Will the committee adopt the resolution?" and determined in the affirmative.

And thereupon Mr. Dunlap submitted the following preamble and resolution, to wit:

Whereas the good people of this State at the late election, manifested a strong inclination in favor of calling a convention, (there being only about two thousand less than was necessary under the constitution.) And whereas it is believed, in many of the counties of the State, many persons favorable to a convention, did not vote for the same under a mistaken belief, that the resolution of the last session had not been signed and enrolled, so as to authorise the people to vote for or against a convention. Under these circumstances, the present General Assembly, believing that a majority of the people are in favor of calling a convention; and that the constitution requires amendment;

Therefore,

Resolved, by the General Assembly of the State of Tennessee, (two thirds of the General Assembly concurring therein,) That it be, and is hereby recommended to the good people of this State, at the next general election for members of the General Assembly, to vote for or against the calling of a convention to revise and amend the constitution of the State of Tennessee.

Resolved, That it shall be the duty of the officers holding the elections aforesaid to read the foregoing resolution at the place of holding the elections at the opening of the polls, and at two o'clock, P. m on each day of such elections.

And thereupon the question was submitted, "Will the committee adopt the said preamble and resolutions?" and determined in the affirmative, ayes 52, noes 7.

Those who voted in the affirmative are.

Mr. Speaker Douglass, Anderson, Andrews, Bradford, Burford, Davis, Field, Frey, Gillespy, Greene, Holman, Jetton, Lytle, McIver, Murray, Perkins and Polk, of the Senate—And, Mr. Speaker, Huling, Allen, Boddie, Brown, Carriger, Cheatham, Claiborne, Dew, Dickinson, Dobbins, Dunlap, Gillespy, Gordon, Gowen, James Gray, George Gray, Hatley, Hardin, Holland, Hurst, Inge, Kincade, Maury, McClean, Nevins, Parris, Roberson, Alexander E. Smith, Joel R. Smith, Stockton, Turney, Vernon, Watkins, Wright and Young, of the House of Representatives.

Those who voted in the negative are,

Mr. Brabson, McClellan and Wyly, of the Senate—And Mr. Easley, McFarland, McGaughy and Stephenson, of the House of Representatives.

FRIDAY, 16th DECEMBER, 1831.

A resolution submitted yesterday by Mr. McIver, appointing Thomas James a Justice of the Peace for the county of Madison, was read and adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A message from the House of Representatives by Mr. Campbell their clerk.

Mr. SPEAKER,

The House of Representatives concur in your resolution to meet the House of Representatives in their Hall on Monday next for the purpose of electing three inspectors for the penitentiary, and a President, Cashier and Directors of the Bank of the State of Tennessee; and in your resolution providing for an election at the same time of a Chief Justice and an associate Judge of the supreme court of Errors and Appeals, in the place of John Catron, resigned: and also a reporter of the decisions of the Supreme court, and a Treasurer of Middle Tennessee.

The Speaker of the House of Representatives has signed an enrolled resolution appointing Justices of the Peace for the counties of Henderson, Overton, Morgan, Haywood, White, Grainger, Smith, Rhea, Fentress and Hardeman; and an enrolled resolution recommending the call of a convention.

The House of Representatives have adopted a resolution appointing Justices of the Peace for the counties of M'Minn and Hardeman and a resolution appointing Justices of the Peace for Hardeman county; in which they ask your concurrence. And then he withdrew.

Whereupon the Speaker of the Senate signed said enrolled resolutions, and ordered them to be deposited in the office of the Secretary of State.

And the Senate concur in the resolutions appointing Justices of the Peace for the counties of McMinn and Hardeman.

Ordered that the clerk acquaint the House of Representatives therewith.

Mr. McClellan returned without amendment,

A bill to regulate the fees of clerks and masters in equity in this State; which was then withdrawn, by Mr. Wyly, for amendment.

A bill to regulate the proceedings of courts of Justice in certain cases, was, on motion of Mr. Frey, referred to the committee on the Judiciary.

A bill to authorise the counties of Robertson, Montgomery and Dickson, to take appeals to the supreme court at Nashville. And

A bill for the relief of Larkin H. Bowling, of Anderson county, were severally read a third time and passed.

Mr. Brabson submitted the following:

Resolved, That one thousand copies of the list of overcheckers in the Bank of the State, as reported to this General Assembly, be printed for the use of the Senate.

Whereupon, on motion of Mr. Bradford, the rule requiring resolutions to be laid for one day on the table, was suspended, and said resolution was adopted.

A bill concerning Indian reservations in the Hiwassee District, was taken up on its second reading.

Mr. Bradford offered an amendment in lieu of the whole.

Mr. Gillespy offered an amendment in lieu thereof,

Whereupon the question was had, "Will the Senate make the amendment to the proposed amendment?" and determined in the negative—ayes 7, noes 12.

The ayes and noes on said question being constitutionally demanded by Mr. Bradford,

Those who voted in the affirmative are,

Mr. Anderson, Gillespy, Greene, Holman, Lytle, McClellan, Wyly—7.

The negative voters are,

Mr. Speaker, Andrews, Brabson, Bradford, Burford, Davis, Field, Jetton, McIver, Murray, Perkins, Polk—12.

And so the Senate refused to make said amendment.

Mr. Bradford then moved the adoption of the amendment offered by him in lieu of the whole bill,

Whereupon the question was had, "Will the Senate amend as proposed?" and determined in the affirmative—ayes 15, noes 4.

The ayes and noes on said question being constitutionally demanded by Mr. Bradford,

The affirmative voters are,

Mr Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Field, Jetton, McClellan, McIver, Murray, Perkins, Polk, Wyly—15.

The negative voters are,

Mr Gillespy, Greene, Holman, Lytle—4.

And so said amendment was adopted.

The bill was then read a second time as amended and passed.

Mr. Greene submitted the following:

Resolved, That two thousand copies of the report of the Treasurer of middle Tennessee, as reported to the committee of finance be printed for the use of the Senate.

Whereupon the rule requiring resolutions to be laid on the table for one day was suspended, and said resolution read and adopted.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution appointing Justices of the Peace for Bedford county; in which they ask your concurrence. And then he withdrew.

Whereupon said resolution was read and concurred in.

Mr. Gillespy withdrew for amendment,

A bill for the purposes therein mentioned, which had heretofore been laid on the table; and returned the same with an amendment, which was agreed to, and the bill read a first time and passed.

A bill concerning free persons of color. And

A bill to alter the line between Overton and Fentress county, so as to include Willis Huddleston, in Overton county, were severally read a third and last time in both houses, passed, and ordered to be enrolled.

Mr. Polk from the committee of enrollments reported as truly enrolled,

An act to abolish imprisonment for debt except in cases of fraud. An act for the benefit of Elizabeth C. Bell and others. An act to alter the time of holding regimental muster in the 32d regiment Tennessee militia. An act to prevent non residents from grazing their stock in Claiborne and Campbell counties. An act for the benefit of John Jett, John Chism, Thomas Bounds and John Lyon. An act exempting citizens of Marion county, attached to a troop of cavalry, from attending regimental musters. An act to appoint Hugh Houston a commissioner for the town of Rutledge. —An act to appoint additional trustees for the Bolivar Female Academy in the county of Hardeman An act to amend an act entitled an act to keep in repair the ford road in Hawkins and Sullivan counties. An act to set apart twenty-five acres of land for a school house in Henderson county. An act for the relief of Orange Ham of Williamson county. An act for the benefit of Elizabeth Askew. An act for the benefit of Daniel Madding. An act to amend the laws on the subject of the Chancery courts in this State. An act to incorporate the stockholders of the city hotel company in the city of Nashville. An act to incorporate the town of Liberty in Smith county. An act for the benefit of Richard Locke. An act to repeal the 13th section of an act, passed 1779, chapter 10. An act to restore James Carroll of Camp-

bell county to legal privileges. An act relating to water crafts that may be stopped when adrift on any of the waters of this State. An act to repeal an an act authorizing the mayor and aldermen of the town of Huntingdon to sell certain alleys and for other purposes. An act to repeal an act entitled an act to provide for a permanent office for the public papers of this State. And An act to establish a volunteer company in Knoxville.

Whereupon the speaker signed said enrolled acts.

Ordered that they be transmitted to the House of Representatives,

A bill to distribute the infantry tactics for the use of the militia, was read a third and last time in both houses, passed and ordered to be enrolled.

A bill prescribing the duties of sheriffs in certain cases, and for other purposes. A bill for the relief of persons therein named. A bill to render the lands lying between Walker's line and the line of North 36° 30' subject to taxation. A bill to authorise a division of the first regiment of Tennessee militia in the county of Washington into two distinct regiments. A bill establishing a company to be called the Nashville Greys. A bill to appropria a sum of money to aid free persons of color to remove to Liberia in Africa. A bill concerning the seat of Justice in the county of Wayne. A bill for the benefit of the heirs of Col. John Tipton, late of the House of Representatives. A bill to extend the benefits of the first section of the act of 1829, chapter 40. A bill to regulate warehouses. A bill to amend the laws of this State in relation to the government of slaves and free persons of color A bill to provide for the payment of the record Rooks of the clerks of the Supreme and Chancery courts in this State. And a bill to extend the operation of the laws of this State over that portion of the State included within the bounds of the Cherokee nation in certain cases and under certain restrictions, were severally read a second time and passed.

Mr. Wyly returned with an amendment in lieu of the whole,

A bill to regulate the fees of the clerks and masters' in equity in this State; which amendment was rejected, and thereupon the question was had "shall the bill pass a second reading?" and determined in the affirmative, ayes 10—noes 8.

The ayes and noes on said question being constitutionally demanded by Mr. Wyly,

The affirmative voters are,

Mr. Brabson, Bradford, Barford, Field, Gillespy, Greene, McClellan, Perkins, Polk, Wyly—10.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Davis, Jetton, Lytle, McIver, Murray,—8.

And so the said bill passed a second reading.

A bill to amend the judiciary system of this State, was read and on motion of Mr. Brabson indefinitely postponed.

A bill for the benefit of John McCrosky former sheriff of Monroe county. A bill for the relief of William Anderson clerk of Sullivan circuit court. And a bill to repeal an act passed in the year 1827, authorizing Isaac and Lewis Miller to erect a mill dam on Clinch river, were severally read a third time and passed.

Bills from the House of Representatives, viz:

A bill to provide for the establishment of the Southern boundary line of this State. And a bill to prevent the entry or settlement of lands lying south of Winchester's line, were severally read a first time and passed.

On motion of Mr. Murray, the committee on the Southern boundary line of this State were discharged from the further consideration of the matters and things to them referred.

Mr. Polk from the committee on enrollments reported as truly enrolled,

A resolution appointing a justice of the peace for the county of Madison.

Whereupon the Speaker signed said enrolled resolution.

Ordered that it be transmitted to the House of Representatives.

Mr. Holman returned a bill authorizing letters of administration to be granted in certain cases, which together with a bill for the benefit of the estate of Robert V. McGimpsey, were severally read a third and last time in both houses, passed snd ordered to be enrolled.

A bill to increase the revenue of the different counties in this State was taken up on its second reading. Mr. Gillespy offered an amendment making it the duty of the clerk and treasurer of the common school commissioners to report annually to the bank of the State the amount of monies received under the provisions of this act, and the duty of the President and Directors of said Bank to charge each county with the amount so received, which was rejected. Ayes 8—Noes 11.

The ayes and noes on said question being constitutionally demanded by Mr. Gillespy,

Those who voted in the affirmative are,

Mr. Andrews, Brabson, Gillespy, Greene, Holman, McClellan, McIver, Murray,—8.

The negative voters are,

Mr. Speaker, Anderson, Bradford, Burford, Davis, Field, Jetton, Lytle, Perkins, Polk, Wyly 11.

And so said amendment was rejected.

Mr. Brabson then offered an amendment in lieu of the whole bill, Whereupon the question was had, will the Senate agree to said amendment? and determined in the negative. Ayes 9—noes 10.

The ayes and noes on said question being constitutionally demanded by Mr. Gillespy,

The affirmative voters are,

Mr. Anderson, Andrews, Brabson, Burford, Gillespy, Greene, Holman, McClellan, Murray,—9.

The negative voters are,

Mr. Speaker, Bradford, Davis, Field, Jetton, Lytle, McIver, Perkins, Polk, Wyly—10.

And so said amendment was rejected.

Mr. Perkins then offered an amendment to said bill which was agreed to. Thereupon the question was had, shall the bill pass? and determined in the affirmative.

The ayes and noes on said question being constitutionally demanded by Mr. Gillespy,

The affirmative voters are,

Mr. Speaker, Anderson, Brabson, Bradford, Burford, Holman, Lytle, McClellan, Perkins, Wyly—10.

The negative voters are,

Mr. Andrews, Davis, Field, Gillespy, Greene, Jetton, McIver, Murray, Polk—9.

And so said bill passed a second reading.

A bill to revise and amend an act entitled an act to establish a system of common schools, and to appropriate school funds in this State was taken up.

Mr. McClellan moved an amendment thereto which was agreed to. Mr Field then withdrew the bill for further amendment.

On motion of Mr. Greene,

Ordered, That

The committee on forfeited lands,

The committee on [the] Hiwassee district,

The committee on Internal Improvement, and

The committee on new counties and county lines, be discharged from the further consideration of the matters and things to them referred.

On motion of Mr. Murray,

Ordered, That Messrs. Wyly and Brabson be added to the committee on enrollments.

On motion of Mr. Murray,

Ordered, That the committee on claims be discharged from the further consideration of the matters and things to them referred.

Mr. Brabson then moved to adjourn until tomorrow morning, at 9 o'clock.

Whereupon the question was had, "Will the Senate adjourn as moved," and determined in the negative—ayes 9, noes 11.

The ayes and noes on said question being constitutionally demanded by Mr. McClellan,

Those who voted in the affirmative are,

Mr Anderson, Brabson, Bradford, Davis, Gillespy, Greene, Holman, Jetton, Perkins—9.

The negative voters are,

Mr. Speaker, Andrews, Burford, Field, Lytle, McClellan, McIver, Murray, Polk and Wyly—10

And so the Senate refused to adjourn.

A bill to amend the laws now in force in relation to the turnpike road across Cumberland mountain, of which Samuel Harris is proprietor. A bill to alter the time of holding the regimental muster in the 112th regiment. A bill to regulate the practice upon writs of Mandamus; were severally read a third and last time in both Houses, passed and ordered to be enrolled.

A bill was taken up, on its third reading, to incorporate the Columbia Female Academy.

Mr. McIver offered an amendment thereto, which was received and agreed to, and the bill passed a third reading.

A bill to provide for enumerating the free white male inhabitants in this State. A bill to extend the Lynchburg and New river rail road to Knoxville; were severally read a third and last time in both houses, passed and ordered to be enrolled.

A bill creating a board of internal improvement for the county of Giles, was taken up on its second reading.

Mr. Polk offered an amendment thereto, which was agreed to, and the bill read as amended a second time and passed.

A bill for the benefit of McNairy county. A bill for the relief of John Rayburn. A bill to amend the laws incorporating the inhabitants of the town of Alexandria in Smith county, and for a precinct election at Commerce, in Wilson county. A bill to incorporate the town of Williamsport in the county of Maury, and to extend its limits. A bill concerning Trustees. A bill for the benefit of Henry Lightfoot and Joseph Hodge. A bill for the relief of David Weir, of Carroll county. A bill for the benefit of Richard Rushing, jr. and Anderson Smith. And a bill for the relief of Samuel Hunt, late sheriff of Washington county, and for other purposes; were severally read a second time and passed.

A bill to distribute the surplus books in the Secretary's office, and for other purposes. A bill for the encouragement of salt works. A bill to authorise the county court of Knox, to levy a tax to aid in erecting a new court house, and for other purposes. A bill for the benefit of William Mothershead. A bill to amend the laws heretofore passed in this State, authorising each county to establish and control a poor house, were severally read a third and last time in both houses, passed and ordered to be enrolled.

A bill for the relief of Thomas Fite and Jeptha Billingsly. A bill for the benefit of John Waters, of Smith county. And a bill

for the relief of Wesley Simmons and others, of Claiborne county; were severally read a third time and passed.

A bill to transfer a cause now pending in the supreme court of this State at Jackson, in the county of Madison, to the supreme court at Nashville, in the county of Davidson, was taken up on its second reading, and, on motion of Mr. Murray, indefinitely postponed.

Mr. Greene withdrew for amendment;

A bill to amend an act entitled an act to establish a system of common schools, and to appropriate the school funds of this State; passed January 14th, 1830

A bill for the benefit of John Sharp, was read a third and last time in both houses, passed and ordered to be enrolled.

A bill to authorise the militia officers of the different regiments in this State to divide the same into three battalions if they think proper, provided the regiment contains twelve or more militia companies. A bill to incorporate the Memphis rail road company. A bill requiring the acts of a public and general nature to be bound. A bill to amend the laws now in force and use in this State authorising persons to sell groceries which they may have purchased with produce. A bill for the benefit of the regiment of cavalry attached to the 12th brigade Tennessee militia. A bill to alter the time of holding the county courts in the county of Washington. And a bill for the relief of Vredenburgh Thompson of Jefferson county, and for other purposes, were severally read a second time and passed.

A bill to regulate the fees of clerks, was taken up on its second reading,

And thereupon the question was had, "Shall this bill pass?" and determined in the affirmative—ayes 12. noes 7.

The ayes and noes upon said question being constitutionally demanded by Mr. Davis,

Those who voted in the affirmative are,

Mr. Anderson, Andrews, Brabson, Bradford, Burford, Field, Gillespy, Greene, Holman, McClellan, Perkins, Wyly—12.

The negative voters are,

Mr. Speaker, Davis, Jetton, Lytle, McIver, Murray, Polk—7.

And so said bill passed a second reading.

SATURDAY, 17th DECEMBER, 1831.

Mr. Wyly presented a petition from J. Newnan, which was read, and on motion of Mr. Field, laid on the table.

Mr. Polk from the committee on enrollments, reported as correctly enrolled,

An act for the benefit of the estate of Robert V. McGimpsey. An act to authorise Andrew Taylor, jr. to build a fish trap. An act for the benefit of Thomas Travis, of Fentress county. An act to repeal part of an act entitled an act to make two regiments by a division of the 5th regimen , passed 12th October, 1829. An act for the relief of James H Mosly. An act for the relief of Charles McNally, of McMinn county. An act for the relief of Dempsey Corbet and Christopher Corbet, and others. An act for the relief of James Johnston. An act for the relief of Anny Wherry. An act to regulate the practice on writs of Mandamus. An act for the benefit of Isaac West, of Henderson county, and for the encouragement of iron works in the Western district. An act for the benefit of the former jailer of Marion county. An act for the relief of Eliza Ditmore. An act to authorise the establishment of a town on the land of Robert Robson, of Hardeman county. An act to amend the laws now in force in relation to the turnpike road across Cumberland mountain, of which Samuel Harris is proprietor. An act authorising letters of administration to be granted in certain cases. An act for the benefit of John B. Rogers and Archibald C. Rogers, of Fentress county. An act to distribute the infantry tactics for the use of the militia. An act to authorise the commissioners of the Bean Station turnpike road to pay interest on certain monies. An act to amend the penal laws of this State, passed in 1829—30. An act to amend an act entitled an act to incorporate the Franklin turnpike company, and for other purposes. An act to alter the line between Overton and Fentress counties. An act to amend the laws now in force regulating the town of Jonesboro, in the county of Washington. An act to compel the owners of turnpike roads and toll bridges to keep the same in repair. An act for the benefit of securities in cases of Peace warrants. An act to tax retailers of spiritous liquors, and to appropriate the monies arising therefrom to the use of schools. An act for the benefit of James Drennen, of Wilson county. An act to prevent trespasses upon school lands in Wilson county. An act further to define and extend the jurisdiction of Justices of the Peace. An act for the benefit of Aser Wyly. An act for the relief of the securities of Joseph Stone. And an act concerning free persons of color, and for other purposes.

Whereupon the Speaker signed said acts, and ordered them to be transmitted to the House of Representatives.

Mr. Holman submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That James Taylor be, and he is hereby appointed, a Justice of the Peace in and for the county of Jackson.

Whereupon the rule requiring resolutions to be laid on the table for one day was suspended---on motion of Mr. Holman, said resolution adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives non-concur in your amendments proposed to a bill to divorce Henry Anderson from his wife Fanny Anderson, and for other purposes. And then he withdrew.

Whereupon the Senate receded from said proposed amendments, and the bill was read a third and last time in both houses, passed and ordered to be enrolled.

Mr. Field withdrew for amendment,

A bill to incorporate the holders of stock in the bank of the State of Tennessee.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the Senate did this day sign enrolled bills and resolutions of the following titles, (to wit:)

An act to provide for the payment of the expenses incurred on the trial of Judge Haskell. An act to allow the Sheriffs of Obion and Dyer counties, longer time for the payment of certain taxes, and for other purposes. An act to compensate Samuel G. Smith for services rendered and moneys expended in the service of the State. An act supplemental to an act entitled an act to appropriate the school lands in the Hiwassee District to the use of schools for the instruction of children therein, passed at the present session of the General Assembly. An act limiting prosecutions for misdemeanors. An act relative to the registration of deeds and mesne conveyances. An act for the benefit of Jonas B. Silis of Obion county. An act for the benefit of the citizens of the town of Kingsport in the county of Sullivan, and for other purposes. An act for the benefit of John Sandford and Stanley Mitchell and others An act to regulate receiving toll at Robert Jetton's and John Elliott's turnpike gate at Sandy bridge in Carroll county. An act for the benefit of James Childress. And a resolution appointing justices of the peace for the counties of Bedford, McMinn and Hardeman.

The House of Representatives have adopted a resolution appointing justices of the peace for the counties of Rutherford, Jefferson and Henry, in which they ask your concurrence. And then he withdrew.

Whereupon the Speaker signed said enrolled bills and ordered them to be deposited in the office of the Secretary of State.

And the Senate concurred in the resolution appointing justices of peace for the counties of Rutherford, Jefferson and Henry.

Ordered that the clerk acquaint the House of Representatives therewith.

A bill to change the time of holding the Supreme court at Jackson. And a bill for the benefit of James Young of Sparta, were severally read a third and last time in both houses, passed, and ordered to be enrolled.

A bill for the benfiet of the heirs of William Shinnault. A bill to amend the Registration laws, and for other purposes. And a bill to encourage the manufacture of Salt, were severally read a second time and passed.

A bill for the relief of those who may have balances of land warrants unappropriated in the offices of the several Surveyors General South and West of the Congressional reservation line. And a bill to establish a board of internal improvement for the mountain District, were severally read a third time and passed.

A bill for the relief of William Kanard and others, was read a third time and rejected.

The ayes and noes upon the question of passing said bill being constitutionally demanded by Mr. Field,

The affirmative voters are are,

Mr. Andrews, Gillespy, Greene, Holman, Lytle, 5.

The negative voters are,

Mr. Speaker, Anderson, Brabson, Bradford, Burford, Davis, Field, McClellan, McIver, Murray, Perkins, Polk, Wyly—12.

And so said bill was rejected.

Mr. Bradford offered a protest against the printing of the Treasurer's report as resolved upon yesterday, and demanded that the same be spread upon the records of the Senate.

Whereupon the question was had, shall the protest be spread upon the Records? and decided in the affirmative. Ayes 17—noes 2.

The ayes and noes on said question being constitutionally demanded by Mr. Bradford,

Those who voted in the affirmative are,

Mr. Anderson, Andrews, Brabson, Bradford, Burford, Davis, Field, Gillespy, Holman, Jetton, Lytle, McClellan, McIver, Murray, Perkins, Polk, Wyly—17.

The negative voters are,

Mr. Speaker, Greene, 2.

And so said protest was ordered to be spread upon the records, and is in the words following, viz:

I protest against the printing of the Treasurer's report of the 23d day of September, professing to give an estimate of the situation of the treasury at the close of the last General Assembly, because I believe that many items of expense incurred before the adjournment of that Legislature are not included; nor were they included in his report made upon a subsequent call. Therefore be-

lieving the report of the committee of Finance at this session, which has unfortunately not yet been made, would present the whole facts about the situation of the public treasury at that time, and that the report ordered to be published does not give a full exposition of its situation, I protest against its being published.

(Signed,)

THEO. F. BRADFORD.

A bill to provide for the establishment of the Southern boundary line of this State. A bill for the purposes therein mentioned. And a bill for the benefit of the executor and legal representatives of Robert Henry Dyer, deceased, were severally read a second time and passed.

Mr Greene submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That Robert McCrea be appointed a Justice of the Peace for the county of Hamilton.

Resolved, That John Parda be appointed a Justice of the Peace for the county of Rhea.

And on motion of Mr. Greene, the rule requiring resolutions to be laid on the table for one day being suspended, said resolutions were adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Bradford submitted the following,

Whereas, according to the report of the committee appointed to ascertain the amount due to the different academies in this State, the Bradley academy in Rutherford county is charged with six hundred dollars loaned to Joseph Dickson, many years ago: And whereas it is believed that the said Joseph Dickson long since paid the said sum of six hundred dollars, and that said academy is only chargeable with the interest, therefore, be it resolved, that the cashier of the State Bank, in adjusting the account with said academy, do charge it only with two hundred and sixteen dollars and the interest arising on that amount from the time the academy money was funded in bank, until the same was authorised to be drawn therefrom.

Whereupon, on motion of Mr. Bradford, the rule requiring resolutions to be laid on the table for one day, was suspended, and said preamble and resolutions were adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A bill for the benefit of John W. P. McGimpsey and Flora McGimpsey. A bill to amend an act entitled an act for the relief of executors or administrators; passed December 31, 1829. A bill to authorise the county court of Greene to grant to Robert C. Gordon the privilege of erecting a toll bridge across Lick creek, in the county of Greene. A bill to amend the laws incorporating

the inhabitants of the town of Alexandria, in Smith county, and for a precinct election at Commerce, in Wilson county. A bill to render the lands lying between Walker's line and the true line of North 36°, 30' subject to taxation. A bill to regulate the proceedings in chancery in this State. A bill to incorporate the Knoxville and Southern rail road company. And a bill to amend an act entitled an act to authorise Thomas Wheeler, of Campbell county, to open a turnpike road, passed December 13, 1827; were severally read a third time and passed.

A bill to compel guardians to give new securities in certain cases. A bill for the relief of William Polk. A bill to divorce Anna Ball from her husband William Ball. And a bill to incorporate a company for opening a turnpike road; were severally read a second time and passed.

A bill for the benefit of the heirs of Col. John Tipton, late of the House of Representatives, deceased. And a bill concerning the seat of justice in the county of Wayne; were severally read a third and last time in both Houses, and passed with an order to be enrolled.

Mr. Field from the joint select committee on captains' companies and justices of the peace, made a report, which was read and ordered to be transmitted to the House of Representatives.

A bill to provide for the removal of obstructions in Elk river, was taken up on its third and last reading in both houses. Mr. Field presented sundry documents in relation to said bill which were received.

On motion of Mr. Wyly said bill and documents were referred to a select committee.

The Speaker appointed Messrs. Brabson, Andrews and McClellan to be of said committee.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives concur in your resolution appointing a justice of the peace for the county of Hamilton and a justice of the peace for the county of Rhea.—They have taken up on a third and last reading in both houses, A bill to establish a board of internal Improvement for the counties therein named, and have adopted an amendment in lieu of the whole thereof, in which they ask your concurrence. And then he withdrew.

Whereupon the Senate concur in said amendment.

Ordered that the clerk acquaint the House of Representatives therewith.

A bill to provide for holding a chancery court in the town of Monroe in Overton county. A bill to provide for the payment of the costs in the suit of the State vs. Charles McNally. A bill to

amend an act entitled an act for the relief of occupants south and west of the congressional reservation line. And a bill for the benefit of Leonard Cardin of Monroe county, were severally read a third time and passed.

A bill for the relief of William Carter, former sheriff of Carter county, was read a third and last time in both houses, passed and ordered to be enrolled.

A bill to compensate Charles F. Keith for services as commissioner in adjudicating Hiwassee improvements was taken up. Mr. Greene offered an amendment providing for paying George W. Woods for moneys expended for horse hire, ferriage, &c. in serving process in the case of the trial of Joshua Haskell, which was received. and the bill was read a third time and passed.

A bill to authorise the erection of turnpike bridges and causeways across the middle and little north forks and bottoms of Forked Deer river, in Gibson county, was read a second time and passed.

A bill to authorise a division of the 1st regiment of the Tennessee militia in the county of Washington, into two distinct regiments, was read a third and last time in both houses, passed, and ordered to be enrolled.

A bill for the relief of Nathan Haggard, was taken up on its third reading.

Mr. Perkins offered an amendment in favor of Nimrod Dodson; which was received.

Thereupon the question was had, "Shall the bill pass?" and decided in the affirmative—ayes 8, noes 7.

The ayes and noes on said question being constitutionally demanded by Mr. Murray,

Those who voted in the affirmative are,

Mr. Andrews, Bradford, Gillespy, Holman, Jetton, Lytle, Perkins, Wyly—8.

The negative voters are,

Mr. Anderson, Brabson, Burford, Field, McClellan, McIver, Murray—7.

And so said bill passed a third reading.

A bill establishing a volunteer military company, to be called the Nashville Greys, was read a third and last time in both houses, and ordered to be enrolled.

A bill to provide for holding a chancery court at Knoxville and Athens, was taken up on its second reading.

Mr. Anderson offered an amendment in lieu of the whole.

Whereupon Mr. Greene moved an indefininite postponement of the bill and amendment.

Whereupon the question was had will the Senate indefinitely postpone said bill and amendment? and determined in the negative. Ayes 8—noes 10.

The ayes and noes being constitutionally demanded upon said question by Mr. Anderson,

The affirmative voters are,

Mr. Andrews, Brabson, Gillespy, Greene, McIver, Murray, Perkins, Polk—8.

The negative voters are,

Mr. Speaker, Anderson, Bradford, Burford, Field, Holman, Jetton, Lytle, McClellan, Wyly—10.

And so the Senate refused to postpone indefinitely.

Mr Greene then moved to strike out Anderson county.

Whereupon the question was had, will the Senate strike out as moved? and determined in the negative. Ayes 9—noes 9.

The ayes and noes on said question being constitutionally demanded by Mr. Greene,

Those who voted in the affirmative are,

Mr. Speaker, Andrews, Brabson, Burford, Gillespy, Greene, Lytle, McIver, Perkins—9.

The negative voters are,

Mr. Anderson, Bradford, Field, Holman, Jetton, McClellan, Murray, Polk, Wyly—9.

And so, there being an equal division, said motion was lost.

Mr. Gillespy moved to strike out the county of Blount, which was agreed to.

Mr. Gillespy and Mr. Murray severally offered amendments to the amendment offered by Mr. Anderson, which were agreed to.

Mr. Brabson offered an amendment in lieu of the whole, providing for the repeal of all laws establishing chancery courts, and for the transfer of the causes therein pending to the circuit courts.

Whereupon the question was had, "Will the Senate receive said amendment?" and determined in the negative—ayes 2, noes 14.

The ayes and noes on said question being constitutionally demanded by Mr. Brabson,

The affirmative voters are,

Mr. Brabson, Bradford—2.

Those who voted in the negative are,

Mr. Speaker, Anderson, Andrews, Burford, Field, Gillespy, Holman, Jetton, Lytle, McClellan, McIver, Murray, Perkins, Wyly—14.

And so said amendment was rejected.

The amendment offered in lieu of the whole bill by Mr. Anderson, was then agreed to as amended, and the bill as amended read a second time and passed.

Mr. Polk from the committee on enrollments, reported as truly enrolled, bills and resolutions of the following titles, (to wit:)

An act for the benefit of Thomas H. Fletcher and Dempsey

Powell. An act supplemental to an act passed December 6th, 1825, entitled an act to authorise Wm. Reynolds, of the county of Greene, to open and establish a turnpike road across Paint mountain. An act to amend the Judiciary system of the State of Tennessee. An act for the benefit of Joseph Dwyer. An act to amend the act incorporating the town of Bolivar, in Hardeman county. An act for the benefit of Thomas L. Gray, of Haywood county. A resolution appointing a Justice of the Peace for Hamilton county. A resolution appointing James Taylor a Justice of the Peace for Jackson county. And a resolution appointing a Justice of the Peace for Rhea county.

The Speaker signed said enrolled bills and resolutions, and ordered them to be transmitted to the House of Representatives.

A bill for the benefit of Wm. P. Steagauld. A bill to revise and amend the act entitled an act to establish a system of common schools, and to appropriate the school lands of this State. A bill to extend the north boundary line of the corporation of the town of Lebanon. A bill to protect the estates of orphans, and for other purposes. A bill to provide the means by which the existence and locality of Matthews' line is established. A bill to authorise the clerk of the circuit court of Fentress county, to keep his office at his own house. A bill for the benefit of Wm. B. Loftin, Leonard P. Cheatham and Stephen Lacey. And a bill directory to the Treasurer of the Western District; were severally read a second time and passed.

A bill to establish the Memphis rail road company. A bill for the relief of the citizens of Carter, Fentress, Morgan and others therein named. A bill concerning Trustees. A bill to regulate the fees of clerks. A bill to reduce the fees of clerks for recording an account current. A bill for the relief of Peter North, of Jefferson county. And a bill to regulate Ware houses; were severally read a third and last time in both houses, passed and ordered to be enrolled.

A bill for the benefit of Lucinda Allen, widow and relict of William Allen, deceased, or legal representatives of said decedent. A bill making the bridge at Shelbyville toll free, and for other purposes A bill to repeal part of an act passed the 7th January, 1830, chapter 36. A bill to explain and amend he law concerning executions issued by a Justice of the Peace on attachments. A bill declaratory of the law concerning contempts, and for other purposes. A bill to amend an act passed 9th October, 1817, regulating the town of Charlotte, in the county of Dickson. A bill to authorise appeals from judgments for contempts.

A bill for the relief of John Rayburn. A bill to make lawful grants and entries within five miles of the narrows of Harpeth. And a bill for the relief of Vredenburgh Thompson, of Jeffer-

son county, and for other purposes, were severally read a third time and passed.

Mr. Field returned without an amendment,

A bill to incorporate the subscribers to the bank of Tennessee; which was taken up on its second reading; and several amendments offered thereto, which were agreed to.

The bill was then read as amended a second time.

Thereupon the question was had, "Shall this bill pass?" and determined in the affirmative—ayes 14, noes 3.

The ayes and noes on said question being constitutionally demanded by Mr. Brabson,

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Andrews, Davis, Field, Gillespy, Holman, Jetton, Lytle, McClellan, McIver, Murray, Polk, Wyly—14.

The negative voters are,

Mr. Brabson, Bradford, Burford, Greene, Perkins—5.

And so said bill passed a second reading.

Mr. Polk, from the committee on enrollments, reported as truly enrolled,

An act authorising George W. Wood to open a turnpike road.

Whereupon the Speaker signed said enrolled bill, and ordered that it be transmitted to the House of Representatives.

A bill to establish the 124th regiment of Tennessee militia was, on motion of Mr. McIver, indefinitely postponed.

A bill to establish a circuit court of Law and equity for the county of Davidson. A bill for the benefit of John Brown. A bill for the relief of the heirs of Thomas Alsup, deceased. A bill to furnish Major Charles Abels volunteer company of cavalry, of Lincoln county, with swords and pistols. A bill regulating returns of writs to the supreme court. A bill to prevent the entry or settlement of lands lying south of Winchester's line. A bill to change the time of holding battalion musters in the 22nd regiment of Tennessee militia. A bill to change the names and make legitimate the persons therein named. A bill for the benefit of Gabriel Foulkes. And a bill for the benefit of Mitchell & Banks; were severally read a second time and passed.

A bill for the benefit of the regiment of cavalry attached to the 12th brigade Tennessee militia. A bill to incorporate the town of Williamsport in the county of Maury, and to extend its limits. A bill to amend an act entitled an act to make entries liable to executions in the Hiwassee District; passed December 12th, 1827. And a bill to compel the commissioners of the county seat of Monroe county to make settlement, were severally read a third time and passed.

A bill to raise twenty thousand dollars to Jesse Allen to build a bridge across Caney Fork, was taken up on its second reading.

And thereupon the question was had, Shall the bill pass? and determined in the negative—ayes 8, noes 9.

The ayes and noes being demanded constitutionally by Mr. Murray,

The affirmative voters are,

Mr. Andrews, Bradford, Field, Gillespy, Holman, Lytle, McIver, Perkins—8.

The negative voters are,

Mr. Speaker, Brabson, Burford, Davis, Greene, Jetton, McClellan, Murray, Wyly—9.

And so said bill was rejected.

A bill to repeal the act entitled an act to create a new militia company in the county of Wilson, was read a second time and passed.

Mr. Holman moved a suspension of a rule prohibiting the reconsideration of bills rejected after the expiration of one day; which motion prevailed.

Whereupon Mr. Holman moved the reconsideration of

A bill to transfer a cause from the supreme court at Jackson to the supreme court at Nashville.

And thereupon the question was had, Will the Senate reconsider said bill? and determined in the negative—ayes 8, noes 9.

The ayes and noes being demanded constitutionally by Mr. Brabson,

The affirmative voters are,

Mr. Speaker, Anderson, Bradford, Field, Holman, Lytle, Perkins, Wyly—8.

The negative voters are,

Mr. Andrews, Brabson, Burford, Gillespy, Greene, Jetton, McClellan, McIver, Murray—9.

And so said motion was overruled.

A bill to repeal a part of the 55th section of an act to reform and amend the penal laws of the State of Tennessee, was taken up on its second reading.

And thereupon the question was had, Shall the bill pass? it was determined in the affirmative—ayes 11, noes 3.

The ayes and noes being constitutionally demanded by Mr. Brabson,

The affirmative voters are,

Mr. Andrews, Bradford, Field, Gillespy, Holman, Jetton, Lytle, McClellan, Murray, Perkins, Wyly—11.

The negative voters are,

Mr. Anderson, Brabson, Burford—3.

And so said bill passed its second reading.

MONDAY, 19th DECEMBER, 1831.

On motion of Mr. Gillespy his resolution proposing to rescind a resolution heretofore adopted, that this General Assembly do adjourn on Monday 19th inst. which was laid on the table, was taken up. Mr. Gillespy moved to fill the blank in said resolution with Thursday 21st inst.

Whereupon the question was had, shall the blank be filled as moved, and determined in the negative. Ayes 5—noes 12.

The ayes and noes on said question being constitutionally demanded by Mr. Bradford,

Those who voted in the affirmative are,

Mr. Brabson, Davis, Frey, Gillespy, Holman, 5.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Bradford, Burford, Field, Jetton, Lytle, McIver, Murray, Polk, Wyly—12.

And so said motion was lost.

Mr. Burford moved to fill the blank in said resolution with Wednesday next.

Whereupon the question was had "shall the blank be filled as moved, and determined in the affirmative. Ayes 12—noes 5.

The ayes and noes on said question being constitutionally demanded by Mr. Bradford,

Those who voted in the affirmative are,

Mr. Speaker, Brabson, Burford, Davis, Field, Frey, Gillespy, Holman, Jetton, M'Iver, Murray, Polk—12.

The negative voters are,

Mr. Anderson, Andrews, Bradford, Lytle, Wyly—5.

And so said blank was ordered to be filled with Wednesday next.

Whereupon said resolutions were adopted.

Ordered, that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Frey offered the following resolution,

Resolved, That so much of a Resolution adopted, requiring the two branches of the General Assembly to meet on this day for the purpose of electing Judges, &c. as relates to the election of Treasurer and Reporter be rescinded

And that the Senate meet the House of Representatives in their hall on Wednesday next, at 10 o'clock for the purpose of electing a treasurer for middle Tennessee, and a Reporter, and a Cashier and Directors of the Bank of this State.

And moved that the rule requiring resolutions to be laid on the table for one day be suspended, which was agreed to.

Mr. Gillespy then submitted the following in lieu of said resolution.

Resolved, That a resolution adopted requiring the two branches

to meet on this day for the purpose of electing a chief Justice, and an associate Judge of the Supreme court—a Reporter of the decisions of the Supreme court—and a President and Directors of of the Bank of the State of Tennessee be recinded.

And that the Senate meet the House of Representatives in their Hall on Wednesday next at 11 o'clock, for the purpose of electing a chief Justice and an associate Judge of the Supreme court, a Reporter and a President, Cashier and Directors of the Bank of the State of Tennessee, and Inspectors of the public jail and penitentiary of this State, and a Treasurer of middle Tennessee.

Whereupon the question was had, will the Senate receive the substitute in lieu of the Resolution submitted? and determined in the negative. Ayes 8—noes 10.

The ayes and noes on said question being constitutionally demanded by Mr. Wyly,

Those who voted in the affirmative are,

Mr. Brabson, Bradford, Davis, Frey, Gillespy, Holman, Murray, Perkins, 8.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Burford, Field, Jetton, Lytle, McIver, Polk, Wyly, 10.

And so the Senate refused to receive said substitute.

The resolution submitted by Mr. Frey was then on motion of Mr. Burford, read and adopted.

Ordered that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A resolution heretofore received from the House of Representatives, to authorize the appointment of a surveyor or commissioners to run and mark the Southern boundary line of this State, was taken up, read and concurred in.

A bill for the relief of Mathew M'Clanahan, late sheriff of Rutherford county. And a bill to do justice to the several counties in this State in which school taxes are collected, were severally read a second time and passed.

A bill for the relief of Martin Mooney and William Mooney, jr. of White county. A bill to amend an act passed at the present session of the General Assembly entitled an act giving further time for surveying entries and obtaining grants thereon. And a bill to prevent fraudulent practices in the possession and removal of personal property, were severally read and rejected.

Mr. Field from the committee on enrollments reported as truly enrolled,

An act to extend the Lynchburgh and New River rail road to Knoxville. An act for the relief of Peter North of Jefferson county. An act to reduce the fees of clerks for recording an account current rendered by guardians. An act to authorise a division of the 1st regiment of Tennessee militia in the county of Washing-

ton into two distinct Regiments. An act to distribute the surplus books in the Secretary's office, and for other purposes. An act for the benefit of William Mothershead. An act to amend the laws heretofore passed in this State authorising each county to establish and control a poor house. An act for the relief of the citizens of Carter, Fentress, Morgan and Anderson. An act concerning trustees. An act to alter the time of holding the regimental musters in the 112th regiment. An act to distribute the infantry tactics for the use of the militia. An act to regulate warehouses. An act to incorporate the Memphis rail road company.

Whereupon the Speaker signed said acts.

Ordered, that they be transmitted to the House of Representatives.

A bill to remove the Supreme court from Reynoldsburgh to Centerville, was taken up on its second reading.

Mr. Davis moved to amend the same by striking out "Robertson, Montgomery, Dickson," which was agreed to.

The question was then had, Shall this bill pass? and determined in the negative—ayes 3, noes 12.

The ayes and noes on said question being constitutionally demanded by Mr. Davis,

Those who voted in the affirmative are,

Mr. Davis, Lytle, Polk—3.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Burford, Frey, Gillespy, Jetton, McClellan, McIver, Perkins, Wyly—12.

And so said bill was rejected.

A bill prescribing the duties of sheriffs in certain cases, and for other purposes, was taken up.

Mr. Murray moved to reinstate the original of said bill, which was agreed to, and the bill read a third time and passed.

A message from the House of Representatives by Mr. Campbell their clerk,

MR. SPEAKER,

The House of Representatives are now ready to receive the Senate for the purpose of going into the several elections set apart for this day. And then he withdrew.

Whereupon the Speaker and gentlemen, members of the Senate, repaired to the hall of the House of Representatives. And thereupon the two houses proceeded by joint ballot to the election of a chief Justice. And upon collecting and counting the ballots it appeared that John Catron was duly elected chief justice of the State of Tennessee.

The two houses next proceeded by joint ballot to the election of an associate judge to the Supreme bench of this State; and upon collecting and counting the ballots upon the 5th balloting, Nathan Greene was declared duly and constitutionnlly elected.

The two Houses next proceeded by joint ballot to the election of inspectors for the penitentiary for the next ensuing two years; and upon collecting the ballots, Robert C. Foster, Sen., Moses Ridley and Joseph Woods, were declared to be duly elected.

The two houses next proceeded to the election of a President of the Bank of the State of Tennessee. And upon collecting and counting the ballots, Eastin Morris was declared to be duly and constitutionally elected.

The two houses next proceeded by joint ballot to the election of a cashier and directors of said bank. And upon collecting and counting the ballots, Nicholas Hobson was declared to be duly and constitutionally elected cashier; and Wm. Williams, Willo. Williams, James Barrett, Samuel G. Smith, E. D. Hicks and E. P. Connell, Directors of the said Bank of the State of Tennessee.

Whereupon the Speaker and gentlemen of the Senate repaired to their own chamber.

A message from the House of Representatives by Mr. Campbell their clerk

Mr. SPEAKER,

The House of Representatives concur in your resolution rescinding the joint resolution heretofore adopted, fixing this day for the adjournment of this General Assembly. They also concur in your resolution fixing Wednesday night next for an adjournment of both Houses of the Legislature. And then he withdrew.

Mr. Brabson from the select committee, to which was referred,

A bill providing for the removal of obstructions in Elk River with sundry documents in relation thereto; reported the same with amendments which they propose, and recommend the passage of the bill as amended.

Mr. Perkins moved that the Senate non-concur with said amendments, which motion was agreed to.

Mr Field moved to strike out the word "Locks,"

Whereupon the question was had, will the Senate strike out as moved? and determined in the negative. Ayes 7—noes 11.

The ayes and noes being constitutionally demanded by Mr. Field,

Those who voted in the affirmative are,

Mr. Field, Lytle, McClellan, McIver, Murray, Polk and Wyly—7.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Frey, Gillespy, Holman, Jetton and Perkins—11.

And so the Senate refused to strike out.

Mr. Field then offered an amendment in lieu of the whole bill

which was rejected. The bill was then read a third and last time in both houses, passed and ordered to be enrolled.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives concur in the amendment proposed by the Senate to a bill to extend the benefits of the 1st section of the act of 1829, chapter 40, passed 30th December, 1829.

They have adopted a resolution appointing a Justice of the Peace for Cocke county; in which they ask your concurrence.

They have received the resignation of Nathan Green, of the office of chancellor of the eastern division of this State; which they have read and accepted, and ordered to be transmitted to the Senate. And then he withdrew.

Whereupon the Senate read a third and last time,

A bill to extend the benefits of the 1st section of the act of 1829, chapter 40, passed 30th December, 1829; and ordered that it be enrolled.

Concurred in the resolution of the House of Representatives appointing a Justice of the Peace for the county of Cocke; and

Read and accepted the resignation of Nathan Green, as chancellor of the eastern division of this State.

Mr. Polk from the committee on enrollments, reported as truly enrolled,

An act to authorise the county court of Knox county to levy a tax to aid in erecting a new court house, and for other purposes. And

An act for the benefit of John Sharp.

Whereupon the Speaker signed said acts, and ordered them to be transmitted to the House of Representatives.

Mr. Bradford submitted the following.

Whereas it is believed that the General Government can never realize any thing from the remnant of land transferred to her by the State of North Carolina, lying in the western district of Tennessee, after the bone fide warrants, chargeable thereon, are satisfied:—Therefore, be it resolved that our Senators in Congress be instructed, and our Representatives requested, to use their exertions to procure a relinquishment by the General Government of said lands for the use of common schools in Tennessee.

Resolved, That in order to enable our Representatives in Congress, to have the necessary information in relation to the subject; and it shall be the duty of the Secretary of State to report to them the amount of North Carolina warrants filed and unsatisfied. And that the surveyors south and west of the congressional reservation line, report as near as they can ascertain, the amount of vacant lands in their respective districts fit for cultivation, and

transmit the same to the Representatives in Congress from this State.

Mr. Bradford moved that the rule requiring resolutions to be laid on the table for one day, be suspended; which was agreed to.

Mr Murray moved to strike out the words "in Tennessee," at the end of the preamble, and to insert, in lieu thereof, "in the Western District of Tennessee."

Thereupon the question was had, Will the Senate strike out and insert as moved? and determined in the negative. Ayes 5—noes 12.

The ayes and noes upon said question being constitutionally demanded by Mr. Murray,

The affirmative voters are,

Mr. Andrews, Gillespy, Lytle, McIver, Murray—5.

The negative voters are,

Mr. Speaker, Anderson, Brabson, Bradford, Burford, Davis, Field, Frey, Jetton, McClellan, Polk, Wyly—12.

And so the Senate refused to make said amendment.

The question was then had will the Senate adopt the resolution? and determined in the affirmative. Ayes 15—noes 3.

The ayes and noes on said question being constitutionally demanded by Mr. Murray,

The affirmative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Field, Gillespy, Jetton, Lytle, McClellan, Perkins, Polk, Wyly—15.

Those who voted in the negative are,

Mr. Frey, McIver, Murray—3.

And so said preamble and resolution were adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A bill to establish the 12th Judicial circuit in this State, was read a second time and rejected.

A bill to authorise M. H Howard to build a mill or iron works across Big Sandy, in the county of Henry. A bill for the benefit of Richard Rushing, jr. and Anderson Smith. A bill to authorise Peter N. Smith to dispose of a certain tract of land and slaves for the benefit of James Scott, deceased. A bill to alter the time of holding the county courts in the county of Washington. And a bill for the relief of Samuel Hunt, late sheriff of Washington county, were severally read a third and last time in both Houses, passed and ordered to be enrolled.

A bill to authorise Alexander Dugger to open and keep up a turnpike road, was read a second time and passed.

A bill for the benefit of the executor and legal representatives of Robert Henry Dyer, deceased; and a bill to provide for hold-

ing a chancery court at Knoxville and Madisonville, were severally read a third time and passed.

A bill to authorise Elizabeth Kenner, of the county of Jackson, to sell certain lands. A bill to change the time of holding regimental musters in the 11th brigade of Tennessee militia. A bill for the benefit of Susan R. Pistole. A bill for the relief of Wm. Thompson and others. A bill for the relief of Lewis Ross. A bill to appoint a Geologist, Mineralogist and Assayist for the State of Tennessee. A bill to provide for holding a chancery court in the town of Monroe, in Overton county. A bill to divorce Delaney Mitchell, of Grainger county, from her husband, and for other purposes; were severally read a second time and passed.

A bill to establish a treasury department for the mountain district, was taken up on its second reading.

Mr. Brabson moved an indefinite postponement.

Whereupon the question was had, shall the bill be indefinitely postponed? and determined in the affirmative. Ayes 13—noes 4.

The ayes and noes upon said question being constitutionally demanded by Mr. Holman,

Those who voted in the affirmative are,

Mr. Andrews, Brabson, Bradford, Burford, Davis, Frey, Jetton, McClellan, McIver, Murray, Perkins, Polk, Wyly—13.

The negative voters are,

Mr. Speaker, Gillespy, Holman, Lytle—4.

And so said bill was indefinitely postponed.

A bill to prescribe the duties of sheriffs in relation to the call of a convention, was taken up on its third reading.

Mr. Field offered an amendment thereto, providing for printing 300 additional copies of the report of the decisions of the supreme court, which was agreed to—ayes 12, noes 4.

The ayes and noes upon said question being constitutionally demanded by Mr. McClellan,

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Andrews, Brabson, Burford, Davis, Field, Gillespy, Jetton, Lytle, McIver, Polk—12.

The negative voters are,

Mr. McClellan, Murray, Perkins, Wyly—4.

And so said amendment was received.

The bill was then read as amended a third time and passed.

A bill authorising Jesse Lincoln and company to open a turnpike road, was read a second time and passed.

Mr. Burford from the joint select committee on the boundary line between this State and Kentucky, made the following

REPORT: Of the joint select committee on that part of the line of boundary and separation between the States of Kentucky and

Tennessee, commonly called Walker's line, as run, retraced, and marked by Messrs Munsell & Bright, commissioners in the year 1830.

The committee have instructed me to report that from a careful and minute examination of the report of Messrs. Munsell & Bright commissioners appointed by their respective States to run, retrace and mark, part of the boundary line between the two States, commonly called Walker's line; and also from the platt of said line made out by said commissioners, as run and re-marked, which the committee have had before them; the committee would feel perfectly well satisfied to recommend the adoption of said report, and the boundary line as recommended to be established by said commissioners in their report, except that part of the report which recommends that the State of Tennessee should yield to the State of Kentucky, the triangular territory included and described in the platt, and which lies south of a straight line running west from the beech tree to the gum tree, as represented on said platt; and adjoining Simpson county in Kentucky, and Sumner and Robertson counties in Tennessee. It seems that the commissioners recommend that Tennessee should yield her claim to the territory represented on the plat by the triangular space between the beech, black jack and gum; not because there was any trace or appearance of a line from the beech south to the black jack, and from thence north to the gum; but upon the express grounds, "*that they had been informed, and believed that the State of Kentucky had ever exercised jurisdiction over the former,*" (meaning over the territory as described and included in the triangular space) "*and the inhabitants amounting to between ten and fifteen families, have ever considered themselves as citizens of that state, and acted accordingly.*"

The committee have made such enquiries respecting the knowledge and wishes of the inhabitants living within, and adjoining, the triangular territory as laid down on the plat between the beech, black jack and gum, as their situation and opportunities would permit them to do, and have received several communications upon that subject from the citizens living within the limits, or adjoining the territory as described in the triangular part of the platt; which statements are *contradictory*,—so much so that the committee deem it best to postpone making a full report upon the subject until the next session of the Legislature, by which time they hope and expect to be able to procure such full and satisfactory information upon the subject as will enable them to come to a conclusion and make a report, which will not only be satisfactory to the States concerned, but to the inhabitants more directly interested.

It may not be improper, however, at this time to state, that, so far as the committee have been able to ascertain the sentiments of those families who reside within the territory as above mentioned

and described, there is a decided majority who have always considered themselves as living within the limits of the State of Tennessee, and who protest against being transferred to the State of Kentucky, and being amenable to her laws.

All which is respectfully submitted.

D. BURFORD, Chairman.

Whereupon it was ordered that said report be spread upon the records and said committee be discharged.

Ordered, that the report be transmitted to the House of Representatives.

Mr. Frey from the committee on Finance reported,

A bill to amend the revenue laws of this State, that the committee consider the same reasonable and recommend its passage: also A bill to regulate the taxation of lands in this State, and to enforce the collection of the same, unreasonable and recommend its rejection. And a bill to appropriate one half of the State tax to county purposes, upon a basis of free white population. And a bill to appropriate one half of the State tax to county purposes, from the further consideration of both of which last mentioned bill they ask to be discharged.

Whereupon the committee were discharged from the further consideration of said bills.

A bill to amend the revenue laws of this State. And a bill to appropriate one half of the State tax to county purposes, were severally read a second time and passed.

A bill to regulate the taxation of lands in this State, and to enforce the collection of the same, was read and rejected.

A bill to appropriate one half the State tax to county purposes upon a basis of free white population, was read a second time; And thereupon the question was had, shall this bill pass? and determined in the affirmative. Ayes 10—noes 8.

The ayes and noes upon said question being constitutionally demanded by Mr. Gillespy,

The affirmative voters are,

Mr. Speaker, Gillespy, Holman, Jetton, Lytle, McClellan, McIver, Murray, Perkins, Wyly—10.

The negative voters are,

Mr. Andrews, Brabson, Bradford, Burford, Davis, Field, Frey, Polk—8.

And so said bill passed a second reading.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution that the Senate meet the House of Representatives in the Representatives hall on Tuesday the 20th inst. at 3 o'clock, P. M. for the purpose of going into all elections to be made by

the General Assembly at the present session. In which they ask the concurrence of the Senate.

They have also adopted a resolution requesting the Governor of this State to transmit copies of certain acts to the Governor's of other States. In which they also ask the concurrence of the Senate.

Whereupon the Senate concurred in said resolutions.

Ordered that the clerk acquaint the House of Representatives therewith.

Mr. Jetton having voted with the majority on the passage of the bill to appropriate one half of the State tax to county purposes upon a basis of free white population moved a reconsideration thereof, in consequence of a mistake on the part of himself and some others who voted in the affirmative, as to the bill on which they were then voting on; which motion was sustained and said reconsideration ordered.

Whereupon the question was had, "Shall this bill pass?" and determined in the negative—ayes 7, noes 12.

The ayes and nays on said question being constitutionally demanded by Mr. Jetton,

Those who voted in the affirmative are,

Mr. Anderson, Brabson, Gillespy, Holman, McClellan, Murray and Wyly—7.

The negative voters are,

Mr. Speaker, Andrews, Bradford, Burford, Davis, Field, Frey, Jetton, Lytle, McIver, Perkins, Polk—12.

And so said bill was rejected:

A bill to abolish the Chancery courts of this State.

A bill to amend the laws now in force regulating the manner of granting writs of certiorari and supercedeas, and for other purposes. And a bill for the benefit of the heirs of Daniel Wheaton and James Tisdale, were severally read and rejected.

A bill to explain an act on the subject of turf racing, passed 13th July, 1820, was taken up on its second reading.

Thereupon the question was had, shall this bill pass? and determined in the negative. Ayes 3, Noes 14.

The ayes and noes upon said question being constitutionally demanded by Mr. Murray,

Those who voted in the affirmative are,

Mr. Brabson, Holman, Perkins, 3.

The negative voters are,

Mr. Speaker, Anderson, Burford, Davis, Field, Frey, Gillespy, Jetton, Lytle, McClellan, McIver, Murray, Polk, Wyly, 14.

And so said bill was rejected

A bill for the relief of Henry Matlock was taken up on its 3d reading.

Thereupon the question was had, shall the bill pass? and determined in the negative. Ayes 6, Noes 10.

The ayes and noes being constitutionally demanded by Mr. Murray,

Those who voted in the affirmative are.

Mr. Anderson, Andrews, Brabson, Gillespy, Holman, Lytle, 6.

The negative voters are,

Mr. Speaker, Burford, Davis, Field, Frey, Jetton, McClellan, McIver, Murray, Perkins, Polk, Wyly, 12.

And so said bill was rejected.

Mr. Murray returned with an amendment proposing the appropriation of five hundred dollars for the purpose of enabling the county of Carroll to purchase the turnpike bridge and causeways belonging to Adam Huntsman and Henry H. Brown.

A bill for the relief of the commissioners appointed by the General Assembly of 1829 to superintend the erection of bridges across Doe river in the county of Carter.

And thereupon the question was had, "shall the amendment be received?" and determined in the affirmative. Ayes 12, noes 2.

The ayes and noes on said question being constitutionally demanded by Mr. Brabson,

The affirmative voters are,

Mr. Speaker, Andrews, Bradford, Davis, Gillespy, Holman, Jetton, Lytle, McClellan, McIver, Murray, Perkins, 12.

The negative voters are

Mr. Brabson, Polk, 2.

And so said amendment was received.

Said bill was withdrawn for further amendment by Mr. Brabson.

A bill requiring the acts and journals of the present General Assembly to be bound, was taken up on its second reading. Mr. Murray moved to strike out six copies for each county, for the purpose of inserting one copy for each justice of the peace.

Thereupon the question was had, will the Senate amend as moved? and determined in the negative. Ayes 6, noes 12.

The ayes and noes upon said question being constitutionally demanded by Mr. Burford,

Those who voted in the affirmative are,

Mr. Anderson, Gillespy, Holman, Jetton, McIver, Murray—6.

Those who voted in the negative are,

Mr. Speaker, Andrews, Brabson, Bradford, Burford, Davis, Field, Frey, Lytle, McClellan, Perkins, Wyly—12.

And so the Senate refused to make said amendment.

Whereupon said bill was read a second time and passed.

A bill to repeal the 112th section of the 67th chapter of the act of 1825, and to compel the officers and privates of volunteer companies to keep the public arms in good order and condition, was taken up and read a second time.

Thereupon the question was had, Shall this bill pass? and determined in the affirmative—ayes 8, noes 7.

The ayes and noes upon said question being constitutionally demanded by Mr. Murray,

The affirmative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Burford, Frey, Gillespy, Holman—8.

The negative voters are,

Mr. Field, Lytle, McIver, Murray, Perkins, Polk, Wyly—7.

And so said bill passed a second reading.

A bill to compel certain persons to pay for the use and occupation of land in certain cases. A bill to release Gardener's turnpike from the payment of a State tax. A bill authorising the establishment of fire companies. A bill for the relief of John Charlton and others. A bill for the relief of the heirs of William W. Gant. A bill to declare navigable Knob creek in Sevier county. A bill to include the residence of John Andrews within the county of Giles. And a bill to legitimate Franklin Coleburn, of Blount county; were severally read a second time and passed.

A bill for the relief of William Polk, was taken up on its third reading.

Whereupon the question was had, "Shall this bill pass?" and determined in the affirmative—ayes 13, noes 2.

The ayes and noes on said question being constitutionally demanded by Mr. Murray,

The affirmative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Field, Gillespy, Holman, Lytle, McClellan, McIver, Wyly, 13.

The negative voters are,

Mr. Murray, Perkins, 2.

And so said bill passed a third reading.

A bill for the relief of Mitchell and Banks. A bill to repeal part of the 55th section of an act to reform and amend the penal laws of this State, passed 9th Dec. 1829. A bill to compel guardians to give new security in certain cases. And a bill to extend the corporation laws of the town of Kington, were severally read a third time and passed.

A bill to authorise the militia officers of the different regiments in this State to divide the same into three battalions. A bill for the relief of the heirs of Thomas Alsup, deceased. A bill incorporating a board of internal improvement for the counties of Lincoln, Giles and Franklin. A bill for the benegt of Henry Lightfoot and Joseph Hodge. And a bill to provide for the establishment of the southern boundary line of this State; were severally read a third and last time in both houses, passed and ordered to be enrolled.

MR. SPEAKER,

The Speaker of the House of Representatives did this day sign enrolled bills and resolutions of the following titles, (to wit:)

An act for the relief of Joseph P. Neally and Jane C. Neally, of the county of Jackson. An act to provide for the circulation and preservation of the Journals of the Congress of the United States. An act for the relief of William Anderson, clerk of Sullivan county court. An act to authore the commissioners of the Western District turnpike road to rescind the contract existing between said commissioners and John Thomas, jr. and for other purposes. An act for the relief of Nathan Haggard and Nimrod Dodson. An act to amend the militia laws of this State. An act for the relief of Wesley Simmons and others, of Claiborne county. An act to amend an act entitled an act to establish turnpike bridges in the Western District. An act to authorise the counties of Robertson, Montgomery and Dickson, to take appeals to the supreme court at Nashville. An act for the relief of Miller Isbel, and others therein named. An act for the benefit of John McCrosky, former sheriff of Monroe county. An act for the relief of Thomas Fite and Jeptha Billingsly. An act to repeal an act passed in 1827, authorising Isaac and Lewis Miller to erect a mill dam on Clinch river. An act for the relief of Larkin H. Bowling, of Anderson county. An act concerning the taxation of costs in the supreme court. An act to establish a board of internal improvement for the mountain district. An act for the benefit of John Walters, of Smith county, and others. An act to incorporate the Columbia Female Academy, and for other purposes. An act for the benefit of Lucinda Allen, widow of William Allen, deceased, and the heirs and legal representatives of said decedent. An act to establish boards of internal improvement in the several counties lying west of Tennessee river, and for other purposes. A resolution appointing Justices of the Peace for the counties of Rutherford, Jefferson and Henry. A resolution appointing a Justice of the Peace for Cocke county. And then he withdrew.

Whereupon the Speaker of the Senate signed said enrolled bills and resolutions, and ordered them to be deposited in the office of the Secretary of State.

Mr. Murray submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That the Secretary of State be required to adjudicate and issue to Hugh Dunlap, five thousand acres of land warrants, for a grant that was issued to him by the State of North Carolina for five thousand acres of land lying in the Eastern District, in Cade's Cove, on the waters of the Tennessee river; which land now lies south of French Broad and Holston, in Blount county—Pro-

vided that the said Dunlap shall make it appear to the satisfaction of said Secretary, that said grant issued on a good and valid warrant; and that the same has not issued to the said Dunlap, or any person authorised by him to receive it; and that no other grant has issued thereon.

And then the Senate adjourned till 9 o'clock, tomorrow morning.

TUESDAY, 20th DECEMBER, 1831.

Mr. Polk from the committee on enrolments, reported as truly enrolled,

An act to alter the time of holding the county courts in the county of Washington. An act for the relief of Samuel Hunt, late sheriff of Washington county. An act for the benefit of Richard Rushing, jr. and Anderson Smith. An act to incorporate the Somerville Female Academy. An act to amend an act entitled an act to authorise Moses Fisk to open a turnpike road; passed Nov. 24, 1817, and for other purposes. An act to incorporate a Female Academy in the county of Rhea. An act for the benefit of Isaac Low and D. C. Chamberlin. An act for the benefit of William Gibson. An act for the encouragement of salt works. An act authorising Hastings Poe and Asahel Rawlings to open a turnpike road. An act to authorise females to obtain divorces in court without cost. An act to alter the time of holding the supreme court of errors and appeals at Jackson. An act to regulate the fees of the clerks of the different courts in this State. An act to provide for taking the enumeration of the free male inhabitants of the State. An act creating a board of internal improvement for the counties of Giles, Lincoln and Franklin. An act to repeal the act entitled an act to create a new militia company in the county of Wilson. An act to authorise Peter N. Smith to sell or dispose of a certain tract of land and slaves for the benefit of James Scott, deceased. An act to extend the benefits of the 1st section of the act of 1829, chapter 40, passed 30th December, 1829. And an act to repeal 112th section of the 69th chapter of the act of 1825, and to compel the officers and privates of volunteer companies, to keep the public arms in good order and condition.

Whereupon the Speaker of the Senate signed the said enrolled bills.

Ordered that they be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Campbell their clerk.

Mr. SPEAKER,

The Speaker of the House of Representatives has signed enrolled bills and resolutions of the following titles, viz:

A resolution appointing Justices of the Peace for Lincoln county, Wayne county and Bedford county. A resolution appointing Justices of the Peace for McNairy county. A resolution directory to the President and directors of the Bank of the State. A resolution referring warrant No. 393 for adjudication. An act prescribing the duties of sheriffs in certain cases, and for other purposes. An act for the benefit of John W. P McGimpsey and Flora McGimpsey. An act for the relief of Vredenburgh Thompson, and for other purposes. An act to amend an act regulating the town of Charlotte, in the county of Dickson. An act to amend the laws incorporating the town of Alexandria, in Smith county, and for other purposes. An act creating a board of internal improvement for the counties of Giles, Lincoln and Franklin. An act to compel guardians to give new security in certain cases. An act making the bridge at Shelbyville toll free, and for other purposes. An act for the relief of Mitchell and Banks. An act to repeal part of the 55th section of an act to amend the penal laws of this State, passed 5th December, 1829. An act to amend an act entitled an act to make entries liable to execution in the Hiwassee District, passed 12th Dec, 1827. An act to amend an act to incorporate the Big Hatchee Turnpike Company. An act to establish a board of internal improvement therein named, and for other purposes. An act to change the time of holding the supreme court at Sparta, and for other purposes. An act to amend an act to authorise Thomas Wheeler to open a turnpike road. An act for the benefit of John Rayburn. An act to provide for the holding of a chancery court at Knoxville and at Madisonville. An act to equalize the tax on wholesale and retail merchants, jewellers, grocers and auctioneers. An act to provide for the payment of costs in the suit, State vs. Charles McNally. An act to repeal part of an act to compel owners of mills west of Tennessee river to cut down and remove standing or decaying timber in their mill ponds. An act declaratory of the law concerning contempts of court, and for other purposes. An act for the relief of those who may have balances of warrants unappropriated in the offices of the several surveyors south and West of the congressional reservation line. And an act to explain and amend the laws concerning executions issued by justices of the peace. And then he withdrew.

Whereupon the Speaker of the Senate signed said enrolled bills and resolutions.

Ordered, That they be deposited in the office of the Secretary of State.

A bill for the benefit of the Memphis hospital, was taken up on its second reading.

Mr. Brabson moved an indefinite postponement,

Whereupon the question was had, Will the Senate indefinitely postpone said bill? and determined in the negative. Ayes 3—noes 12.

The ayes and noes upon said question being constitutionally demanded by Mr. Brabson,

Those who voted in the affirmative are,

Mr. Brabson, Burford, McClellan—3.

The negative voters are,

Mr. Speaker, Andrews, Bradford, Field, Gillespy, Jetton, Lytle, McIver, Murray, Perkins, Polk, Wyly—12.

And so the Senate refused indefinitely to postpone said bill.

And thereupon said bill was read a second time and passed.

A bill to amend and explain an act now in force in this State to suppress the odious practice of gaming, tipling and trading with slaves, was taken up.

Mr. McClellan moved that said bill be indefinitely postponed.

Whereupon the question was had, Will the Senate indefinitely postpone said bill? and determined in the affirmative.

And so said bill was indefinitely postponed.

On motion of Mr. Murray,

Ordered that the clerk deposite a copy of the enumeration made out by the clerk of the federal court, in the office of the Secretary of State.

A message from the House of Representatives by Mr. Campbell their clerk,

MR. SPEAKER,

The House of Representatives concur in your resolution concerning the Academy money chargeable to the Bradley Academy in Rutherford county.

They also concur in your preamble and resolutions concerning the exercise of certain powers by the General Government.

They have adopted a resolution appointing Andrew Brown a Justice of the Peace for the county of Wayne.

They have adopted a resolution appointing Justices for McNairy and Lincoln counties

They have adopted a resolution of instruction to the President and directors of the Bank of the State.

They have adopted a resolution referring warrant No. 393 to the Secretary of State for adjudication.

In which several resolutions they ask your concurrence. And then he withdrew.

Whereupon it is ordered that the resolution concerning the academy money chargeable to the Bradley academy in Rutherford county. And

The preamble and resolutions concerning the exercise of certain powers by the General Government, be enrolled.

The Senate concur in said several resolutions, except so much of one of them as relates to the appointment of Justices of the Peace for Lincoln county, which is laid on the table.

Ordered that the clerk acquaint the House of Representatives therewith.

A bill to authorise Elizabeth Kenner, of the county of Jsckson to sell certain lands, was read a third time and passed.

A bill to revise and amend an act entitled an act to establish a system of common schools, and to appropriate the school funds in this State was taken up on its third reading. Mr. Field proposed an amendment thereto, to which Mr. Wyly offered the following amendment,

That soon as the amount of the school fund due each county is ascertained and regulated agreeably to the provisions of this act upon a basis of free white population with the deduction of those residing within the several counties wherein school lands are situated.

Whereupon the question was had, will the Senate receive the proposed amendment to the amendment? and determined in the affirmative—ayes 18—noes 2.

The ayes and noes on said question being constitutionally demanded by Mr. Wyly,

The affirmative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Frey, Greene, Holman, Jetton, Lytle, McClellan, McIver, Murray, Perkins, Polk, Wyly—18.

The negative voters are,

Mr Field, Gillespy,—2.

And so said amendment was agreed to.

Mr. Wyly then proposed the following as an additional section to said proposed amendment.

Be it enacted, That the common school funds which have been specially vested by any law passed at the present session of this General Assembly shall not be appropriated until the equalization of the school fund takes place agreeably to a basis of free white population as herein before provided for.

Thereupon the question was had, will the Senate receive said proposed additional section? and determined in the affirmative—ayes 17, noes 2.

The ayes and noes on said question being constitutionally demanded by Mr. Wyly,

The affirmative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Bradford, Davis,

Field, Greene, Holman, Jetton, Lytle, McClellan, M'Iver, Murray, Perkins, Polk, Wyly—17.

The negative voters are,

Mr. Burford, Gillespy—2.

And so said additional section was adopted.

Mr. Bradford moved the following amendment,

Be it enacted, That the provisions of this act requiring the common school funds to be paid over to commissiners of the different counties shall not apply to those counties the funds of which have been specially vested in turnpike roads until the equalization is made.

Whereupon the question was had, "Will the Senate receive said proposed amendment?" and determined in the negative—ayes 6, noes 14.

The ayes and noes on said question being constitutionally demanded by Mr. Wyly,

The affirmative voters are,

Mr. Andrews, Bradford, Field, Jetton, Lytle, Perkins, 6.

The negative voters are,

Mr. Speaker, Anderson, Brabson, Burford, Davis, Frey, Gillespy, Greene, Holman, McClellan, McIver, Murray, Polk, Wyly —14.

And so said proposed amendment was rejected.

Mr. Gillespy then moved the following amendment,

Be it enacted, That it shall be the duty of the several Bank Agents of this State not to pay over to the common school commissioners as provided in this act, more than the amount to which each county shall be entitled upon a basis of free white population, nor shall the interest upon more than the amount to which such county may be entitled, be paid over as aforesaid.

Whereupon the question was had, shall this amendment be received? and determined in the negative—ayes 4—noes 15.

The ayes and noes on said question being constitutionally demanded by Mr, Gillespy.

Those who voted in the affirmative are,

Mr. Burford, Field, Gillespy, Murray, 4.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Davis, Frey, Greene, Holman, Jetton, Lytle, M'Clellan, M'Iver, Perkins, Polk, Wyly, 15.

And so said proposed amendment was rejected.

Whereupon the amendment proposed by Mr. Field was agreed to as amended.

The bill was then further amended on motion of Mr. Murray.

Mr. Gillespy then moved the following further amendment to said bill:

Be it enacted, That the operation of this act shall be suspended until an apportionment of the school fund shall be made in the

several counties in this State upon a basis of free white population.

Whereupon the question was had, shall the amendment be received? and determined in the negative—ayes 6—noes 12.

The ayes and noes upon said being constitutionally demanded question by Mr. Gillespy,

Those who voted in the affirmative are,

Mr. Andrews, Bradford, Gillespy, Holman, Lytle, Murray, 6.

The negative voters are,

Mr. Speaker, Brabson, Burford, Davis, Field, Greene, Jetton, McClellan, McIver, Perkins, Polk, Wyly—12.

And so the Senate refused to receive said amendment.

Whereupon the question was had, shall this bill pass? and determined in the affirmative. Ayes 18, No 1.

The ayes and noes being constitutionally demanded by Mr. Murray,

The affirmative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Field, Gillespy, Greene, Holman, Jetton, Lytle, McClellan, McIver, Perkins, Polk, Wyly—18.

The negative voter is,

Mr. Murray.

And so said bill passed a third reading as amended.

The Resolution submitted yesterday by Mr. Murray, directory to the Secretary of State, was taken up and read.

Thereupon the question was had, will the Senate adopt this Resolution? and determined in the negative—ayes 7, noes 11.

The ayes and noes upon said question being constitutionally demanded by Mr. Burford,

Those who voted in the affirmative are,

Mr. Anderson, Andrews, Brabson, Gillespy, Lytle, Murray, Polk —7.

The negative voters are,

Mr. Speaker, Bradford, Burford, Davis, Field, Jetton, Holman, McClellan, McIver, Perkins, Wyly—11.

And so said resolution was rejected.

A bill establishing the town of Batavia in Carroll county. A bill for the relief of the seventy-seventh Regiment of Tennessee militia. A bill to amend an act entitled an act to amend the laws now in force precribing the mode of marking the partition of lands, passed Oct. 26, 1799. A bill supplementary to an act passed at the present session of the General Assembly to dispose of the forfeited lands in the Hiwassee district. A bill to authorize John Martin and John B. Perkins, to build a bridge across the Caney Fork. A bill for the benefit of James O. K. Wood. A bill to authorise Austin Gresham to sell a certain slave. A bill to amend the first section of an act entitled an act to compel owners

of Mill dams on little Pigeon river in Sevier county to put slopes therein. A bill to divorce Elizabeth Linn from her husband Jacob Linn. A bill to compensate John C. Haley and his son John Haley for money expended and labor done in removing obstructions to navigation at the boiling pot and suck in the Tennessee river. A bill to repeal part of an act passed 13th January, 1830. And a bill for the benefit of the commissioners appointed by the General Assembly of 1829 to superintend the erection of bridges across Doe river, in the county of Carter; were severally read a second time and passed.

A bill to amend the revenue laws of this State. A bill for the benefit of Garnishees. A bill concerning Indian reservations in the Hiwassee District. And a bill for the benefit of the persons therein named; were severally read a third time and passed.

A bill to appropriate one half the State tax to county purposes; was taken up on its third reading.

Mr. Gillespy moved so to amend said bill as to except black polls.

Whereupon the question was had, Will the Senate amend as moved? and determined in the negative—ayes 6, noes 11.

The ayes and noes upon said question being constitutionally demanded by Mr. Gillespy,

Those who voted in the affirmative are,

Mr. Anderson, Brabson, Gillespy, Holman, McClellan and Wyly —6.

The negative voters are,

Mr. Speaker, Andrews, Burford, Davis, Field, Jetton, Lytle, McIver, Murray, Perkins, Polk—11.

And so the Senate refused to make said amendment.

The bill was then read a third time and passed.

A bill supplemental to an act passed at the present session of this General Assembly, entitled an act to dispose of the forfeited lands in the Hiwassee district. A bill appropriating funds and organizing a board to improve Cumberland river. A bill for the benefit of the heirs of Wm. W. Gant. A bill to establish a comptroller's office. A bill for the relief of John Charlton and others. A bill to compel the President and Directors of the branch Bank at Knoxville to refund to the county common school commissioners of Roane county, monies wrongfully withheld from said commissioners. And a bill to lay off and establish the brigade of Tennessee militia,

Were severally read and rejected.

A bill to repeal the act entitled an act to create a new militia company in the county of Wilson. A bill to repeal the 112th section of the 69th chapter of the act of 1825, and to compel the officers and privates of volunteer companies to keep the public arms in good order and condition. A bill to declare navigable Knob

creek in the county of Sevier. A bill to encourage the manufacture of salt. A bill to regulate the fees of clerks and masters in chancery in this State. A bill to authorise David S. Shelton to build a wing mill dam on Sequachie river. A bill to legitimate Franklin Colburn. A bill for the relief of Matthew McClanahan, late sheriff of Rutherford county. A bill to incorporate a company for opening a turnpike road. And a bill to extend the north boundary line of the corporation of the town of Lebanon, were severally read a third and last time in both houses, and ordered to be enrolled.

A bill to extend the operation of the laws of this State over that portion of the State included within the bounds of the Cherokee Nation in certain cases and under certain restrictions; was taken up and read.

Thereupon the question was had, Shall this bill pass? and determined in the negative—ayes 6, noes 11.

The ayes and noes upon said question being constitutionallydemanded by Mr. Bradford,

The affirmative voters are,

Mr. Gillespy, Greene, Holman, Lytle, McClellan, Wyly—6.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Bradford, Burford, Davis, Jetton, McIver, Murray, Perkins, Polk—11.

And so said bill was rejected.

The message from the House of Representatives appointing Justices of the Peace for Lincoln county; which was this day laid on the table, was taken up, read and concurred in.

Ordered that the clerk acquaint the House of Representatives therewith.

Mr. Jetton having voted with the majority on a resolution submitted yesterday by Mr. Murray directory to the Secretary of State; which was rejected this morning; moved a reconsideration of said question, which was agreed to.

Mr. Jetton then moved the adoption of said resolution.

Whereupon the question was had, will the Senate adopt said resolution? and determined in the affirmative—ayes 10, noes 6.

The ayes and noes upon said question being constitutionally demanded by Mr. McIver,

The affirmative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Gillespy, Jetton, Lytle, McClellan, Murray, Polk—10.

The negative voters are,

Mr. Burford, Davis, Frey, Holman, McIver, Perkins, 6.

And so said resolution was adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Davis submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That it shall be the duty of the Register of the Western District to issue grants to the rightful owner or owners, upon entries No. 785, No. 557, No. 753 and No. founded upon warrants No. 2081, and No. 754, and No. 5543, upon the production of a plat and certificate of survey upon said entries, and proving to the satisfaction of the register that said warrants are lost, and that when lost they had written in the face of each appropriated in my office, signed be the principal surveyor of the district in which said entries were made.

Resolved, That the Register of the Western District issue to James Whitsit a grant on entry No. 851, in the tenth district, upon the production of the proof required in the first member of this resolution.

Whereupon, the rule requiring resolutions to be laid on the table for one day, being suspended on motion of Mr. Davis, said resolutions were adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

On motion of Mr. Greene, he was discharged from the committee on the distribution of the acts and Journals of the present session of the General Assembly, and Mr. Burford appointed chairman of said committee in his stead.

A bill to appoint a Geologist, Mineralogist and Assayer for the State of Tennessee. A bill to provide the means by which the existence and locality of Matthews' line is to be established. A bill for the relief of William Thompson and others. A bill to change the time of holding battalion musters in the 22nd regiment Tennessee militia. A bill to release Gardner's turnpike from the payment of a State tax. A bill authorising the establishment of fire companies. A bill to compel certain persons to pay for the use and occupation of land in certain cases. A bill to amendan act entitled an act to amend the penal laws of the State of Tennessee, passed 9th Dec., 1829. A bill to include the residence of John Andrews within the county of Giles. A bill for the relief of Sally Hopson. A bill supplemental to an act entitled an act providing for the leasing of lands which have been set apart for the use of common English schools on the same in Middle Tennessee. A bill to make legitimate the persons therein named, and for other purposes. A bill for the benefit of Wm. P. Steagauld. A bill regulating the return of writs to the supreme court. A bill directory to the Treasurer of the Western District. And a bill for the relief of Susan R. Pistole; were severally read a third and last time in both Houses, passed and ordered to be enrolled.

Mr. Frey from the committee on finance presented the following Exhibit;

Expenses of the session of the General Assembly of 1829.	
To this sum paid Senators for services and mileage,	10,128 48
Representatives,	20,276 80
Clerks and doorkeepers,	4,176 00
Miscellaneous expenses for stationary, fuel, &c.	4,765 82
	$39,343 50
Expenses of Williams' and Haskell's trials during the last session for witnesses, sergeant at arms, &c.	1,622 09
	$40,965 19½
This sum due from Treasurer on settlement of his account for the years 1827 & '28, as appears by reference to the settlement made with the committee of last session,	57,467 40
	$16,503 21½
Balance in the Treasury after all payments of the foregoing session,	
Balance in the Treasury on present settlement for the years 1829 and '30, to be accounted for at the next stated meeting of the General Assembly,	$62,233 42½

Signed, H. FREY,
THO. CLAIBORNE, Committee of finance.

Whereupon, ordered that said Exhibit be spread upon the record, and transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution appointing Joseph Rayburn a Justice of the Peace for Bedford county.

They have adopted a resolution rescinding the appointment of Thomas James as Justice of the Peace for Madison county.

They have adopted a resolution of thanks to the county court of Davidson county. And then he withdrew.

Whereupon the Senate concurred in the resolution appointing a justice of the peace for Bedford county; and in the resolution of thanks to the county court of Davidson county. And, on motion of Mr. McIver, the Senate non-concur in the resolution of the House of Representatives rescinding the appointment of Thomas James, as a Justice of the Peace for Madison county.

Ordered that the clerk acquaint the House of Representatives therewith.

Mr. Lytle presented an order of the county court of Davidson county, appropriating the two large rooms in the third story of the court house now occupied by the Senate and House of Representatives of the General Assembly of the State of Tennessee, for the exclusive use of the Legislature, so long as they may think proper to continue their session in Nashville; which was read and laid on the table.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have adopted a resolution appointing a joint select committee to wait on the Governor, and inform him that the two houses are about to adjourn without day, and to enquire of him whether he has any further communication to make to the General Assembly, and have appointed Mr. Alexander E. Smith, Mr. Inge, Mr. Allen, Mr. Gillespy and Mr. Joel R. Smith of said committee on the part of the House of Representatives. And then he withdrew.

Whereupon the Senate concurred in said resolution, and the Speaker appointed Mr. Bradford, Mr. Burford and Mr. Brabson, of said committeee on the part of the Senate.

Ordered that the clerk acquaint the House of Representatives therewith.

A bill to authorise Jesse Lincoln and others to open a turnpike road; was taken up on its third and last reading in both Houses,

And thereupon the question was had, Shall this bill pass? and determined in the negative. Ayes 8, noes 8.

The ayes and noes upon said question being constitutionally demanded by Mr. Perkins,

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Burford, Gillespy, Holman, Lytle, Polk, Wyly—8.

The negative voters are,

Mr. Brabson, Bradford, Davis, Frey, Jetton, McClellan, Murray, Perkins—8.

And so, there being an equal division, the question failed and said bill was rejected.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives concur in your resolution directory to the Register of the Western District; and in your resolution directory to the Secretary of State. And then he withdrew.

Whereupon, ordered that said resolutions be enrolled.

A bill for the benefit of Gabriel Foulkes. And a bill authorising the Secretary of State to receive and file for adjudication certain certificates therein mentioned: were read a third and last time in both Houses and ordered to be enrolled.

A bill concerning the troop of cavalry at Pulaski, was read a third time and passed.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives are now ready to receive the Senate for the purpose of going into the several elections set for this day. And then he withdrew.

Whereupon the Speaker and gentlemen of the Senate repaired to the hall of the House of Representatives. And thereupon the two Houses proceeded by joint ballot to the election of a chancellor for the eastern division; and upon collecting and counting the ballots, Wm. B. Reese was declared to be duly and constitutionally elected.

The two houses next proceeded by joint ballot to the election of a Treasurer of middle Tennessee, and a reporter for the State of Tennessee; and upon collecting and counting the ballots, Thomas Crutcher was declared to be duly elected Treasurer, and George S. Yerger, Reporter.

Whereupon the Speaker and gentlemen of the Senate repaired to their own chamber.

A bill to amend the registration laws, and for other purposes, was taken up on its third and last reading in both Houses.

Thereupon the question was had, Shall this bill pass? and determined in the affirmative. Ayes 13—noes 5.

The ayes and noes upon said question being constitutionally demanded by Mr. Bradford,

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Brabson, Burford, Davis, Field, Frey, Gillespy, Holman, Lytle, McClellan, Murray, Wyly, 13.

The negative voters are,

Mr. Andrews, Bradford, Jetton, McIver, Polk—5.

And so said bill passed a third and last reading in both houses, with an order that it be enrolled.

A bill to incorporate subscribers to the bank of Tennesssee was taken up on its third and last reading in both houses.

Thereupon the question was had, shall this bill pass? and determined in the affirmative. Ayes 11, Noes 9.

The ayes and noes on said question being constitutionally demanded by Mr. Bradford,

Those who voted in the affirmative are,

Mr. Anderson, Andrews, Field, Gillespy, Holman, Lytle, McClellan, McIver, Murray, Polk, Wyly, 11.

The negative voters are,

Mr. Speaker, Brabson, Bradford, Burford, Davis, Frey, Greene Jetton, Perkins, 9.

And so said bill passed a third and last reading in both houses, with an order that it be enrolled.

Mr. Frey from the select committee to which was referred, A bill to provide for the payment of the Speakers, Members, Clerks and Doorkeepers, of the present session of the General Assembly and for other purposes, reported in lieu thereof,

A bill making an appropriation of money to defray the expenses of the 1st session of the 19th General Assembly of the State of Tennessee.

Whereupon the report of said committee was concurred in, the amendment received and said bill on motion of Mr. Frey, laid on the table.

Mr. Murray having voted in the negative on the question of passing an act authorizing Jesse Lincoln and company to open a turnpike road, which Bill was rejected to day, moved a reconsideration of said question, which was agreed to.

Whereupon, on motion of Mr. Murray, said bill was laid on the table.

Mr. Burford from the joint committee, appointed to wait upon his Excellency, the Governor, made the following

REPORT:

The joint committee of both houses, appointed to wait upon his Excellency the Governor, and inform him that the General Assembly have gone through the business submitted to their consideration, and are about to close the session and to enquire if he has any other business to submit to their consideration, or additional communication to make, have performed that duty, and have received in answer from the Executive, that he has no other business to lay before the Legislature at the present session, nor any communication of a public nature to make. He tenders through the committee to the Legislature his kindest feelings and sentiments of respect and esteem, which he requests may be borne by each respective member to his family and constituents.

Whereupon it was ordered that said report be spread on the records and transmitted to the House of Representatives.

Mr. Gillespy submitted the following,

Resolved, That the clerk of the Senate employ as many clerks as he may deem necessary to assist in enrolling bills which have passed the third and last time in both houses.

And the rule requiring resolutions to be laid on the table for one day being suspended on motion of Mr. Gillespy, said resolution was adopted.

And the Senate adjourned until 9 o'clock to-morrow morning.

WEDNESDAY, 21st DECEMBER, 1831.

Mr. Burford submitted the following,

Resolved, by the General Assembly of the State of Tennessee. That the President and Directors of the old State Bank of Tennessee pay over to the President and Directors of the Bank of the State of Tennessee the twenty-thousand dollars subscribed on the part of the State in the old State Bank, and that the said sum of twenty-thousand dollars and all the dividends arising therefrom in the hands of the Treasurer or elsewhere be apportioned amongst the several counties in this State, agreeably to the 20th section of an act, passed Jan. 14, 1830, chapter 107, for the use of common schools, or for such other objects as this Legislature may have specially directed in any of the counties of this State.

Whereupon the rule requiring resolutions to be laid for one day on the table being rescinded;

Said resolution was adopted.

Ordered that the clerk acquaint the House of Representatives therewith.

Mr. Frey from the committee appointed to make an estimate of the expenses of this session, made the following report in part,

Mr. Speaker Douglass, 94 days, 64 miles,		$480 24
Anderson,		441 60
Andrews,		416 00
Brabson,		454 40
Bradford,		392 00
Burford,		392 00
Davis,		400 00
Field,		399 04
Frey,		383 36
Gillespy,		433 60
Greene,		427 20
Holman,		404 80
Jetton,		386 24
Lytle,		376 00
McClellan,		476 80
McIver,		440 00
Murray,		409 60
Perkins,		399 04
Polk,		386 66
Wyly,		465 50
William K. Hill, Clerk,	$564	
Luke Lea, clerk,	564	
James Hickey, Door keeper,	376	

Which was received, read and ordered to be spread upon the records.

The committee on enrollments reported as truly enrolled, An act to extend the North boundary line of the town of Lebanon. A resolution concerning the Academy in Rutherford county. An act to authorize M. H. Howard to build a mill or iron works across Big Sandy river in the county of Henry. An act to include the residence of John Andrews within the county of Giles. An act for the benefit of Henry Lightfoot and Joseph Hodge. An act directory to the Treasurer of the Western district. An act for the benefit of Susan R. Pistole. A resolution directory to the Secretary of State. An act for the benefit of Wm. P. Steagald. An act to legitimate Franklin Colburn otherwise Franklin Colburn. An act to declare navigable Knobb creek in the county of Sevier. A resolution directory to the Register of the Western district. An act concerning the seat of Justice in the county of Wayne. An act for the benefit of Gabriel Fowkles. An act to incorporate a company for opening a turnpike road from Nashville to the top of the ridge about one mile from Elijah Robertson's in a direction from Nashville via Charlotte to the Western District, and for other purposes. An act to compel certain persons to pay for the use and occupation of land in certain cases. An act to divorce Elizabeth Linn from her husband Jacob Linn. An act to change the time of holding battalion musters in the twenty second regiment of Tennessee militia. An act for the relief of William Thompson, and others. An act authorizing the establishment of fire companies. An act for the relief of William Polk An act to establish the Southern boundary of this State. An act establishing a company to be called the Nashville Greys. An act to amend an act entitled an act to amend the penal laws of the State of Tennessee, passed Dec. 9, 1829. An act to provide the means by which the existence and locality of Mathews' line is to be established. An act to authorise the militia officers of the different regiments in this State, to divide the same into three batallions, if they think proper, provided the regiments contain twelve or more militia companies. An act to change the names and make legitimate the persons therein named. An act for the relief of Lewis Ross. An act for the relief of the heirs of Thomas Alsup, deceased. A resolution in relation to the exercise of certain powers by the General Government and for other purposes. An act autohrizing the Secretary of State to receive and file for adjudication certain certificates therein named. An act to incorporate the subscribers to the bank of Tennessee. An act supplemental to an act entitled an act providing for the leasing of lands set apart for the use of common schools and for the keeping of common English schools on the same in middle Tennessee. An act to prevent the entry or settlement of lands lying South of Winchester's line. An act for the benefit of

heirs of Col. John Tipton, late of the House of Representatives. An act for the relief of James Young, of Sparta. An act providing for the removal of obstructions in Elk river. An act to extend the corporation laws of the town of Kingston, in the county of Roane. An act to divorce Henry Anderson from his wife, and for other purposes. An act to render the lands lying between Walker's line and the true line of North 36° 30' subject to taxation. An act for the relief of William Carter, former sheriff of Carter county. An act for the relief of Matthew McClanahan, late sheriff of Rutherford county. An act to release Gardner's turnpike road from the payment of a State tax.

Whereupon the Speaker signed said enrolled acts and resolutions, and ordered them to be transmitted to the House of Representatives.

Mr. Gillespy submitted the following:

Resolved, That the Speaker of the Senate is entitled to the thanks of this House, for the able, impartial and disinterested manner in which he has discharged the duties of the chair during the present session of the General Assembly.

Which was unanimously adopted.

Whereupon the Speaker of the Senate, Mr. Douglass, rose and said;

Gentlemen of the Senate,—I thank you most sincerely for the unmerited expression of respect with which you have been pleased to notice the duties assigned to the chair during the present session.

I entered upon the arduous duties of this seat to which I was invited by your unmerited partiality, with much fear, lest I should be unequal to the expectation which induced to your choice.

I was aware that whatever success might be ascribed to my labors, would depend mainly upon the aid and support that you might afford, and to that cordiality and forbearance one toward another, which is so indispensable to the labors and success of all deliberative assemblies. Gentlemen, it gives me pleasure on the present occasion, to bear testimony to the courteous and dignified manner with which you have treated each other throughout your public services here, and more especially for the indulgent and charitable feeling which you have always exercised toward the imperfections of the chair.

Let me assure you, gentlemen, that none of the errors into which I may have fallen, in administering the rules which custom and your commands have established for the good order of the Senate, have been owing to any preference for men or measures; my only desire has been, between all the members of this body to hold the scale of justice with a steady and impartial hand. That you each may return to the bosom of a cheered and cheering family, and receive the approbation of your respective constituents, is the fervent desire of one who has so much cause on the

present occasion to thank you for the respect and confidence displayed toward him throughout the session, which it now becomes my duty on your part to close.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives has signed enrolled bills and resolutions of the following titles, (viz:)

An act to compensate John C. Haley and John Haley, and for other purposes. An act concerning Indian reservations in the Hiwassee District. An act to provide for the holding a chancery court in Overton and Giles counties, and for other purposes. An act to compensate Charles F. Keith, commissioner appointed under an act of the last General Assembly, for his services in adjudicating Hiwassee Improvements. An act for the benefit of the regiment of cavalry attached to the 12th brigade of Tennessee militia. An act to make lawful grants and entries within five miles of the narrows of Harpeth. An act to amend the revenue laws of this State. An act to amend an act entitled an act for the relief of occupants south and west of the congressional reservation line, passed December 30th, 1829, and for other purposes. An act to regulate the proceedings in chancery in this State, and for other purposes. An act to incorporate the town of Williamsport, in the county of Maury, and to extend its limits. An act to authorise Greene county court to authorise Robert C. Gordon to erect a toll bridge across Lick creek, in Greene county. An act to encourage the manufacture of salt. An act for the relief of the persons therein named. An act to appropriate one half of the State tax to county purposes. An act prescribing the duties of sheriffs in relation to the call of a convention, and for other purposes. An act to compel the commissioners of the county seat of Monroe county to make settlement. A resolution relative to the public lands of the United States. An act concerning the troop of cavalry at Pulaski. An act for the benefit of Leonard Cardin and Absalom Looney. An act to repeal the act of 1827, chapter 27, and for other purposes. An act to revise and amend an act entitled an act to establish a system of common schools, and to appropriate the school funds of this State.

An act to incorporate the Knoxville and Southern Rail Road Company. And then he withdrew.

Whereupon the Speaker of the Senate signed said acts and resolutions, and ordered them to be deposited in the office of the Secretary of State.

A bill to compensate John C. Haley and his son John Haley, for labor done and money expended on the boiling pot and suck in the Tennessee river, was read a third time and passed.

A bill to amend an act entitled an act to establish a system of common schools, and to appropriate the school fund of this State; passed Jan. 14, 1830, was read and rejected.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have adopted the following resolution:

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State be directed, and it is hereby made his duty, to take possession of the hall of the House of Representatives and the chamber of the Senate, together with the furniture of the two houses, and that he cause the same to be carefully preserved for the use of the State; in which they ask your concurrence.

And then he withdrew.

Whereupon the Senate unanimously concurred in said resolution.

Ordered that the clerk acquaint the House of Representatives therewith.

A message from the house of Representatives by Mr. Campbell their clerk.

MR SPEAKER,

The House of Representatives concur in your resolution directory to the President and Directors of the old bank of the State.

And then he withdrew.

Whereupon, ordered that said resolution be enrolled.

Mr. Burford from the committee on the distribution of the acts and journals of the present session, made a report, which was read, and on motion of Mr. Burford, transmitted to the House of Representatives.

Mr. Perkins submitted the following;

Whereas it is believed that the removal of the seat of Government to Murfreesboro', would expedite the despatch of public business:

Therefore,

Resolved, by the General Assembly of the State of Tennessee, That the next meeting of the General Assembly shall be in the town of Murfreesboro:—And it shall be the duty of the Secretary of State, on or before the 1st day of March, 1832, to remove the records and papers of office, to the said town of Murfreesboro.

And thereupon the question was had, Will the Senate adopt said preamble and resolution? and determined in the negative. Ayes 3, Noes 17.

The ayes and noes upon said question being constitutionally demanded by Mr. Bradford,

Those who voted in the affirmative are,

Mr. Bradford, Jetton, Perkins—3.

The negative voters are,

Mr. Speaker, Anderson, Andrews, Brabson, Burford, Davis, Field, Frey, Gillespy, Greene, Holman, Lytle, McClellan, McIver, Murray, Polk, Wyly—17.

And so said preamble and resolution were rejected.

A bill to divorce Elizabeth Linn from her husband Jacob Linn. A bill to authorise John Martin and John B. Perkins to build a bridge across Caney Fork. A bill to amend the laws in this State in relation to the government of slaves and free persons of color. A bill for the benefit of the Memphis Hospital. A bill to amend the first section of an act entitled an act to compel owners of mill dams on little Pigeon river in Sevier county, to put slopes therein. A bill to authorise Austin Gresham to sell a certain slave. A bill supplementary to an act passed the present session of the General Assembly to dispose of the forfeited lands in the Hiwassee District. A bill requiring the acts of a public and general nature of this General Assembly to be bound. A bill to establish the town of Batavia in the county of Carroll. A bill for the relief of the 77th regiment of Tennessee militia. A bill to amend an act entitled an act to amend the laws now in force prescribing the mode of making partition of lands, passed 26th October, 1799. A bill to repeal part of an act passed 13th January, 1830. A bill for the benefit of James O. K. Wood, were severally read a third and last time in both houses, passed and ordered to be enrolled.

A bill making an appropriation of money to defray the expenses of the 1st session of the 19th General Assembly of the State of Tennessee, was read a third time and passed.

The committee of enrollments reported as correctly enrolled,

An act supplementary to an act passed at the present session of the General Assembly, to dispose of the forfeited land in the Hiwassee district. An act to appoint a Geologist, Mineralogist and Assayer for the State of Tennessee. An act to authorise Austin Gresham to sell a certain slave.* An act to amend an act to compel owners of mill dams on Little Pigeon river in Sevier county, to put slopes therein. An act to regulate the fees of the clerks and masters in equity in this State. A resolution directory to the president and directors of the old bank of the state of Tennessee. An act for the relief of Sally Hopson, of Claiborne county. An act to amend the registration laws and for other purposes. An act for the relief of the 77th regiment of Tennessee militia. An act to authorise David S. Shelton to build a mill dam on Sequatchee river.

An act to amend an act entitled an act to amend the laws now in foce prescribing the mode of making partition of lands, passed 26th, 1799. An act to amend the laws of this State in relation to the government of slaves and free persons of color. An act to authorise John Martin, John B. Perkins and John W. Simpson to build a bridge across Caney Fork. An act for the benefit of James O. K. Wood. An act establishing the town of Batavia in the county of Carroll. An act for the benefit of the Memphis hospital. An act to repeal part of an act passed 13th January, 1830. An act regulating the returns of writs to the supreme court. And an act requiring the acts of a public and general nature of the General Assembly of the State of Tennessee, to be bound,

Whereupon the Speaker signed said enrolled bills and resolutions and ordered that they be trasmitted to the House of Representatives.

A message from the House of Representatives by Mr. Campbell their clerk.

Mr. SPEAKER,

The Speaker of the House of Representatives has signed enrolled bills of the following titles:

An act to incorporate the Knoxville and Southern rail road company. An act making an appropriation of money to defray the expenses of the first session of the 19th General Assembly.—An act to authorize the erection of turnpike bridges and causeways across the middle fork and bottom, and across the little north fork and bottom of Forked Deer river in Gibson county. And an act to amend an act entitled an act for the relief of Executors and Administrators, passed Dec. 31, 1829. And then he withdrew.

Whereupon the Speaker of the Senate signed said acts.

Ordered, that they be trasmitted to the Secretaries office.

Mr. Gillespy submitted the following,

Resolved, That the Treasurer of Middle Tennessee, pay Isaac, a man of color, twenty dollars for his services in waiting upon this General Assembly, during the present session in addition to all allowances already made.

Whereupon said resolution was adopted.

Ordered that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A message from the House of Representatives by Mr. Campbell, their clerk.

MR. SPEAKER,

The House of Representatives unanimously concur in your resolution to pay Isaac. And then he withdrew.

Ordered that said resolution be enrolled.

Mr. Frey from the committee on Finance, made the following report, which was read and concurred in.

REPORT.

Mr. Frey from the Joint Committee on Finance made the following report:

The Joint Committee on Finance have had the accounts of the several Treasurers of this State under consideration, and beg leave to report that they find the following to be the state and condition of the funds of the State, to wit:

The tabular statement marked A. appended to this report, exhibits the state of the Treasury in the Western District for the years 1829 and 1830, from which it appears that the receipts into the Treasury of that Department, after deducting all commissions for collecting the same, amount to the sum of $41,239 82 cents; and that the disbursements, including Treasurer's commissions, amount to the sum of $21,611, leaving a balance of $19,628 82 unappropriated for which sum said Treasurer has produced the receipt of the Treasurer of West Tennessee.

The statement marked B. exhibits the statement of the Treasury of East Tennessee for the years 1829 and 1830 from which it appears, that the receipts into the Treasury, after deducting all commissions for collecting the same, amount to the sum of $38,554 55 cents; and that the disbursements, including the Treasurer's commissions, amount to the sum of $28,738 15 cents, leaving a balance of $8,474 15 cents unappropriated, for which sum said Treasurer has produced the receipt of the Treasurer of West Tennessee. It further appears by reference to said statement, that there remains uncollected a balance of $320 51 cents, upon a judgment rendered against the sheriff of Cocke county for the year 1830, which will constitute a charge againt ths Treasurer in the next settlement of his accounts; also the sum of $900 07 cents on judgments previous to the year 1829, which will also constitute a charge against said Treasurer in the next settlement of his accounts.

The Statement marked C. exhibits the state of the Treasury of West Tennessee for the years 1829 '30, from which it appears that the receipts into the Treasury, for the ordinary revenue, after deducting commissions for collecting, and also that portion thereof appropriated by law to the use of the counties, amount to the sum of $91,499 64¼ cents, also $4,685 57 cents the balance of uncollected revenue at the last settlement; also $19,628 82 cts. from the Treasurer of the Western District,and $8,474 15 from the Treasurer of East Tennessee heretofore referred to; also the sum of $57,467 40 cents, the balance of revenue unappropriated and in the hands of the Treasury at the last settlement;—making in all the sum of $181,756 03¼ cents; and that the disbursements

by the Treasurer of West Tennessee, including commissions, amount to the sum of of $121,099 12 3-4 cents; leaving a balance in the Treasury of $63,022 33 cents unappropriated. The committee further report, a balance due upon judgments rendered against sundry officers previous to the year 1827, amounting to the sum of $3,575 16 most or all of which is either very doubtful, or actually lost to the Treasury by insolvency and judicial decisions. Also 1300 in Kentucky notes loaned to individuals, and $154 in Fayetteville notes which are not collected, and will constitute a charge against the Treasurer on his next settlement.

The committee further report, that the Treasurer of East Tennessee produced the receipt of Robert King, Treasurer of East Tennessee college, for the sum of $522 49 cents—monies collected for the use of academies; he also reported as collected by him the sum of $10,860 74 cents for the use of colleges, for which he has produced the receipts of said Robert King, Treasurer as aforesaid. The Treasurer of East Tennessee also reported the sum of $2,838 33 cents received by him for leases and rents of school lands; and that he has paid to agents for superintending the same, the sum of $977 99 cents, leaving a balance after deducting his commissions, of $1,860 34 cents, for which he has produced the seat of the cashier of the Branch Bank at Knoxville. Said Treasurer further reported that he had received the sum of $94,083 29 cents for lands in Hiwassee, since the 17th of September, 1829, and has produced the receipt of the cashier of said Branch Bank, for the sum of $88,222 64 cents—he has paid expenses for printing done, and selling said lands, the sum of $151 50 cents; he has also produced the certificates and vouchers for allowances made under an act of the General Assembly for improvements, and paid by him, for the sum of $3,848 42 cents.

All of which is respectfully submitted.

H. FREY, Chairman.

A.

Statement of Revenue received by the Treasurer of the Western Department for the years 1829 and 1830.

1829.

Counties.	REVENUE CHARGEABLE TO SH'FFS.					REVENUE CHARGEABLE TO CLERKS.						JUDGMENTS.			Total amo'nt for 1829.	Total amo'nt for 1829 and 1830.
	Original amount rendered.	Sheriff's commissions.	County Trustees' receipts.	Cash rec'vd.	Amount paid in	County C'rt Cl'ks	Circuit Clerks.	Supreme & Ch'ry C'rt Cl'ks	Original amount rendered.	Clerk's com'sions.	Amount paid in.	Am'nt of judgm'nts	Amount collected.	Balance due.		
Carroll,	628 37	37 76			590 67	903 75	35 52½		939 27	23 48	915 79				1,506 46	
Dyer,	348 03	20 88			327 15	389 41	9 87½		399 29	9 98	389 31				716 46	
Fayette,	879 55	52 75			826 60	969 95	90 76		1,060 51	26 50	1,034 01				1,860 61	
Gibson,	589 33	35 28			552 86	359 14	46 55		405 69	10 12	395 56				948 42	
Hardeman	823 23	49 39			773 84	1311 59	234 57		1,576 16	39 31	1,536 85				2,310 69	
Henders'n,	313 79	20 60				408 62	51 25		462 87	11 56	451 31	343 79	323 17		774 48	
Henry,	832 08	49 79			782 16	282 11	202 91	25 00	510 05	12 76	497 30	1,092 71	1,092 71		2,372 16	
Hardin,	223 83	13 42			210 41	285 21	31 75		316 96	7 92	309 04				519 45	
Haywood,	732 01	43 91			688 10	662 97	86 06		749 03	18 72	730 31				1,418 41	
McNairy,	172 53	10 35			162 18	289 99	38 87		328 86	8 21	320 65				482 84	
Madison,	932 41	55 94			876 47	1,570 16	320 78	43 01	1933 95	47 34	1,886 60				2,763 07	
Obion,	383 55	23 01			360 51	261 41	19 88		281 28	7 02	274 27				634 81	
Perry,	213 07	12 78			200 29	387 52	14 75		402 27	10 04	392 23				592 52	
Shelby,	580 10	34 89			515 30	1,090 54	31 17		1,121 71	28 03	1,093 68				1,638 98	
Tipton,	647 55	38 85			608 70	905 10	6 91		912 01			912 01	923 16		1,531 86	
Weakley,	410 28	24 61				352 56	11 50		364 06	9 09	354 97	385 67	385 67		740 64	
	8,739 71	524 12			7.505 28	10,460 04	1,236 19	68 01	11,763 98	270 09	10,581 88	2,734 18	2,724 71		20,811 86	
Arrearages collected by Sheriffs for the year 1828,															993 74	
																21,805 60

1830.

Carroll,	667 26	40 03	295 28	331 95	627 23	914 59	131 12		1,045 60	26 13	1,019 58				1,646 81		
Dyer,	419 42	25 16	194 31	199 95	394 26	283 83			283 83			283 83	289 68		683 94		
Fayette,	696 20	41 77	281 39	373 04	654 43	1,110 19	172 95		1,283 13	32 07	1,251 07				1,905 49		
Gibson,	597 54	35 85	263 45½	298 24	561 69	448 75	71 47		520 22	12 99	507 23				1,068 92		
Hardeman,	833 45	50 00	359 06	424 39	783 45	1,180 47	193 48		1,373 96	34 34	1,339 61				2,123 07		
Henderson,	365 43	23 72	162 35½	209 35½		459 66	40 00		499 66	12 47	486 59	395 44	371 71		858 29		
Henry,	815 12	48 90	305 56	460 66	766 22	1,061 20	143 93	21 84	1,226 97	30 68	1,196 31				1,962 53		
Hardin,	235 41	14 12	96 54½	124 74½		267 73	86 06		353 79	8 84	344 95	335 41	221 29		566 24		
Haywood,	546 72	32 80	227 35	285 57	513 92	441 60	30 54		471 54	11 78	459 76				973 68		
McNairy,	172 14	10 32	75 27	86 55	161 82	273 95	89 60		362 95	8 90	354 04				515 86		
Madison,	981 15	58 86	398 40	523 89	932 29	1,270 15	66 70	25 75	1,362 60	34 05	1,328 55				2.250 84		
Obion,	260 32	15 61	122 35½	122 35½	244 71	267 85	30 70					298 55	304 67		549 38		
Perry,	247 80	14 86	108 01	124 93	222 94	453 69	21 50		475 19	11 87	463 22				696 16		
Shelby,	619 76	37 18	265 76½	316 52½	582 29	1,184 04	23 98		1208. 01	30 19	1,177 82				1,760 12		
Tipton,	394 35	23 66	174 77	195 92	370 69	876 35	13 87		890 22	22 26	867 97				1.238 65		
Weakly,	363 17	21 79	157 68	183 70	341 38	250 85	49 50		300 35	7 49	292 86				634 24		
	8,245 24	494 63	3,487 53	3,669 09	7,156 61	10,744 70	1,164 80	47 59	11,687 42	284 06	11,089 55	1,213 22	1,187 35		19,434 22	19,434 22	
																41,239 82	

Statement of revenue disbursed by the Treasurer of the Western Department for 1829 *and* '30.

Judges.	Solicitors.	Re'nue pd to count's	Criminal pros'tions	Militia.	Wolf scalps.	County com'oners	Miscella-neous	Treas'ers com'sions	
7,475 00	1,062 50	3,487 53	3,379 97	128 00	874 00	272 50	3,793 94	1,132 56	21,611 00
Paid over to the Treasurer of West Tennessee balance of revenue unappropriated, -									19,628 82

B

Statement of Revenue received by the Treasurer of East Tennessee for the years 1829 and 1830.

Names of COUNTIES	Original amount paid by Sheriffs.	By clerks of county courts.	By clerks of circuit courts.	By clks of sup'me & chan. c'ts.	Total am't p'd by c's	Jud'ments not coll'd.	Jud'ments collected	Mis'neous expenses.	Total am't for 1829–'30.
Knox,	1,436 29	789 91	42 29	52 53	884 73				
Sullivan,	630 87	643 06	33 70		676 76				
Bledsoe,	338 12	206 51	130 40		336 91				
Rhea,	458 97	258 46	19 63		278 09				
Blount,	575 31	296 58	170 91		467 49				
Greene,	747 50	478 52	95 50	28 53	602 55				
Roane,	632 85	293 79	55 95	7 31	357 05				
Hawkins,	709 03	447 78	28 61	12 80	489 19				
Monroe,	643 56	520 43	63 86		584 29				
Washington,	605 75	379 70	65 53		445 23				
Grainger,	347 55	270 65	22 43		292 08				
Sevier,	255 73	321 35	17 07		338 43				
Carter,	268 84	256 12	21 94		278 06		402 75		
M'Minn,	836 10	943 14	102 89		1,046 03		900 67		
Jefferson,	564 08	381 29	27 68		408 97				
Claiborne,	354 36	397 08	29 92		427				
Anderson,	269 16	108 60	14 14		122 74		326 30		
Campbell,	274 90	169 60	11 89		181 49		595 26		
Hamilton,	94 82	63 23	5 61		68 84				
Marion,	169 07	559 73	6 26		465 99		94 67		
Morgan,	82 87	22 82	14 07		36 89		43 75		
Cocke,	346 51	134 91	9 78		144 69		504 55		
	10,642 23	7,943 27	990 00	101 17	9,034 50		2,967 95		2,254 68

Treasurer of East Tennessee.

Dr.

To amount of monies received for Hiwassee lands,		$94,083 29
Colleges and Academies for the years 1829 and 1830,		11,383 23
Common Schools do.		2,838 33
	$108,304 85	
To balance due Treasurer on this statement for lands &c.	1,348 74	
	$109,653 59	

Knox,	923 10	1,010 02	50 47	105 06	1,165 55		
Sullivan,	335 18	647 64	31 96		679 60		
Bledsoe,	210 02	271 95	83 82		355 77		
Rhea,	262 38	727 91	23 93		751 84		
Blount,	301 71	238 59	49 70		288 29		
Greene,	431 43	440 54	89 81	14 62	445 27		
Roane,	326 59	309 20	48 38	7 31	364 89		
Hawkins,	379 29	449 22	31 10	47 66	527 97		
Monroe,	349 24	494 69	132 05		626 24		
Washington,	321 68	367 31	46 39	2 50	416 20		
Grainger,	190 17	355 87	12 25		368 12		
Sevier,	141 84	271 92	14		285 62		
Carter,	142 66	251 80	31 14		282 94		
M'Minn,	461 77	940 59	73 13		1,013 72		
Jefferson,	299 64	401 21	26 31		427 50		
Claiborne,	197 65	351 68	52 50		404 18		
Anderson,	161 32	167 61	17 46		185 07		
Campbell,	150 49	207 28	83 60		290 88		
Hamilton,	54 94	167 80	17 80		185 60		
Marion,	119 19	636 80	90 17		726 97		
Morgan,	56 95	108 17	21 01		129 18		
Cocke,		136 97	40 37		177 34		
	5,817,24	8,954 77	1,067 35	177 44	10,199 56	320 51	16,016 80
							38,561 48

Statement of Revenue disbursed by the Treasurer of East Tennessee for the years 1829 and 1830.

Judges	Solicitors.	Criminal Prosecutions	Militia.	Wolf Scalps.	County commissions	Miscellaneous	Treasurer's commissions & salary	
11,575	2,455 55	6,123	244 36	699	1,144 77	5,139 84	1,356 63	28,738 15
								1,348 74
								30,086 89
								8,474 59
								38,561 48

The Treasurer is entitled to a credit as stated on account of lands &c. of

By this amount paid Treasurer of West Tennessee,

Contra.

By receipts from Jas. Campbell Cashier,	$93,602 99
Robert King's receipts,	10,667 56
Henry Ewing's receipt,	199 15
Receipts of sundry Agents,	977 [illegible]
Commissions &c.	3,206 [illegible]
Paid for printing and expense in sales of land,	151 [illegible]
Paid certificates for improvements,	3,848 [illegible]
	$109,653 [illegible]

C

Statement of Revenue received by the Treasurer of Middle Tennessee for the years 1829 and 1830.

Names of COUNTIES.	Original am't rendered by Sheriffs	By clerks of county courts	By clerks of circuit courts.	By clerks of supreme and chancery c'ts.	Total amount paid by cl'ks	Judgments not collected.	Judgments collected.	Miscellaneous expenses	Total amount for 1829 '30.
Davidson,	2,317 54 3 4	5,229 76	341	331 62 1-2	5,902 38 1-2				
Sumner,	1,777 06	1,722 01	188 38 3-4		1,910 39 3-4				
Robertson,	1,049 48 1 2	339 38 3 3	36 37 1-2		375 76 1 4				
Montgomery,	1,294 06 1-4	993 69 1-2	88 86 1 4		1,186 95 3 4				
Williamson,	2,214 84 1-2	2,251 35	437 87	95	2,784 22				
Rutherford,	1,700 82	1,206 20 3 4	244 32 3 4		1,250 53 1 2				
Wilson,	1,661 61	1,299 22 1-2	113 68 3-4		1,412 91 1 4				
Smith,	1,323 33	625 04 2 4	51 17	28 12-12	704 34 1-4				
Jackson,	514 38 1 2	294 95 3-4	28 79 1 2		323 75 1 4				
Overton,	441 12 1 4	253 59 3-4	56 40 1 2		3 9 99 3-4				
White,	514 13 3-4	293 14 3-4	77 76 1-2	72 12 1 2	443 03 3 4				
Dickson,	501 18 3-4	302 23 1-2	117 37 1-2	44 87 1-2	464 48 1 2				
Stewart,	530 49 1 2	445 63	92 65		538 33				
Humphreys,	322 57 1-2	415 66 3 4	71 22 1 2	64	550 89 1 4				
Hickman,	400 71 1-4	461 74 1 2	51 42 1-2		513 21				
Maury,	1,734 36 1-2	1,925 11	191 74 1-2	25	2,141 85 1 2				
Bedford,	1,569 16 3 4	1,504 25	154 05		1,658 30				
Giles,	1,196 50 3-4	1,035 64 3 4	259 06 1 4		1,294 71	172 71			
Lincoln,	1,239 28 1-2	1,421 70	269 08 1-2		1,690 87 1-2				
Franklin,	875 41	1,590 60	90 51 1-4		1,681 11 1-4				
Warren,	685 08	505 36 1 4	103	20	628 36 1-4				
Wayne,	193 18	235 18	79 54 1-2		314 72 1-4				
Lawrence,	199 45	319 18 3-4	67 03		386 21 1-4				
Fentress,	95 72 3 4	65 15 1-4	21 83 1-2		86 99				
	24,434 16	24,541 02 3-4	3,232 58 3 4	680 75	28,454 36 1-2	172 71	4,685 58		
deduct comm	1,466 04				711 35				
	22,968 12				27,743 01 1-2		4,685 58		55,396 71 1-2

Davidson,	1,422 19	5,306 54 1-2	547	226 62 1-2	6,080 17				
Sumner,	928 78	1,655 69 3 4	413 93 3-4		1,979 63 1-2				
Robertson,,	591 98	463 91 3-4	38 08		501 39 3-4				
Montgomery,	708 39	1,163 15 1 4	96 59 1-2		1,259 74 3-4				
Williamson,	1,267 98	2,037 81 3-4	227 92 1-2	88 50	2,353 94 1-4				
Rutherford,	724 40	878 36 1-2	384 46		1,262 82 1 2				
Wilson,	899 83	1,564 71	115 05 1-2		1,679 76 1-2				
Smith,	633 86	1,361 34 1 2	31 09 3-4	25	1,417 44 1-4				
Jackson,	207 80	385 43 3-4	47 25 3-4		432 69 1-2				
Overton,	238 09	214 37 3-4	25 31 1-2		239 69 1 4				
White,	282 80	235 37 1-4	80 18 3-4	49 20 1-4	364 76 1-4				
Dickson,		259 92 1-4	48 87 1-2	21 25	330 04 3-4	272 87			
Stewart,	309 89	540 93	78 93 3-4		619 86 3-4				
Humphreys,	186 51	310 50	53 62 1-2	233 62	597 74 1-2				
Hickman,	226 09	556 66 1-2	37 12 1-2		593 79				
Maury,	1,035 43	2,306 72	378 18 3-4	37 66	2,722 56 3-4				
Bedford,	794 11	1,559 72 1-2	155 94 1-4		1,715 67				
Giles,		1,509 31 1-2	216 92 1-1		1,726 24				
Lincoln,		1,442 50	143 48		1,585 98				
Franklin,	544 34	1,581 70 3 4	25 96 1-2		1,637 67 1-4	767 15			
Warren,	398 53	487 35	36 62 1-4	75 59	599 56 1-4	656 68			
Wayne,	114 18	171 23 1-4	147 28 1-2		318 51 3-4				
Lawrence,	125 23	398 73	79 11 3 3		477 84 3 4				
Fentress,	60 75	74 93 3-4	10 72		85 65 3-4				
	11,701 16	26,376 37 1-4	3,419 42	757 44 3-4	30,553 24	1,708 70			
deduct comm	702 06				763 83				
	10,999 10				29,789 41				40,788 51
									96,185 22 1-2
Revenue paid over by the Treasurer of East Tennessee,								8,474 59	
Do. of Western District,								19,628 82	
Balance of revenue in the hands of the treasurer at last settlement,								57,467 40	85,570 81
									181,756 03 3-4

Amount brought forward, 181,756 03 1

Statement of Revenue disbursed by the Treasurer of West Tennessee for the years 1829 and 1830.

Legislature.	Trials of Williams & Haskell.	Executive	Judges	Attorney General	Militia	Public printers.	Criminal prosecutions.	County commissions.	Enumeration.	Sheriff's releases.	Wolf Scalps.	Miscellaneous.	Treasurer's comm's.	
39,343 10	1,622 09 12	5,687 50	26,954 60	1,909	336 52	12,445 18	13,538 89 1-4	495 00	31 86	3,343 98	1,103 00	9,237 42 3-4	2,885 55	118,733 70 1

Balance in the hands of the Treasurer, 63,022 3

Ordered that said report be transmitted to the House of Representatives.

On motion of Mr. Frey,

Ordered that said report be appended to the journals of the Senate, and printed therewith.

Mr. Bradford offered the following:

I protest against receiving the report of the committee of finance; because, owing to the late hour at which it was made, I am unable to make the necessary examination of it.

T. F. BRADFORD.

Which was read and ordered to be spread on the records.

Mr. Frey having voted with the majority on the concurrence with the report of the committee on finance, moved a reconsideration thereof, which was agreed to. The question was then had, Will the Senate concur with said report? and determined in the affirmative—ayes 15, noes 1.

The ayes and noes on said question being constitutionally demanded by Mr. Frey,

Those who voted in the affirmative are,

Mr. Speaker, Brabson, Burford, Davis, Field, Frey, Gillespy, Holman, Jetton, Lytle, McClellan, McIver, Murray, Perkins, Polk—15

The negative voter is,

Mr. Bradford,

And so said report was concurred in.

Mr. Murray, from the committee on enrollments, reported as truly enrolled, A resolution to pay Isaac.

Whereupon the Speaker signed said resolution, and ordered that it be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The Speaker of the House of Representatives has signed a resolution to pay Isaac.

And then he withdrew.

Whereupon the Speaker ordered that said enrolled resolution be deposited in the office of the Secretary of State.

A message from the House of Representatives by Mr. Campbell their clerk.

MR. SPEAKER,

The House of Representatives have closed the business before them, and are now ready to adjourn without day.

And then he withdrew.

The Senate having disposed of all the business before them, it was, on motion of Mr. Burford, ordered that the Senate adjourn *sine die*.

BURCHET T. DOUGLASS, Speaker.

Wm. K. HILL.

December 21st, 1831.

JOURNAL

OF THE

COURT OF IMPEACHMENT,

THE STATE OF TENNESSEE,

VS.

JOSHUA HASKELL.

F. S. HEISKELL & A. A. HALL,

PRINTERS TO THE STATE.

"KNOXVILLE REGISTER" OFFICE,

F. S. HEISKELL, PRINTER.

1831.

SENATE CHAMBER, 24th DECEMBER, 1829.

The Senate at the hour of ten o'clock, A. M. Resolved themselves into a Court on the the trial of Joshua Haskell, Esquire, Judge of the 8th Judicial Circuit, on the articles of Impeachment exhibited against him by the House of Representatives, which are in the words and figures following, (to wit:)

ARTICLES OF IMPEACHMENT,

Exhibited by the House of Representatives in the name of the State of Tennessee, and of the people of the said State against JOSHUA HASKELL, Judge of the eighth Judicial Circuit in and for said State, and of the Circuit Court of said State.

WHEREAS, the said Joshua Haskell was on the fourteenth day of November eighteen hundred and twenty-one, constitutionally and legally elected Judge of the eighth judicial circuit of the State of Tennessee, and of the Circuit Courts of said State, with all the rights, privileges and emoluments, power, obligation and duties pertaining to his office, was duly commissioned, took the several oaths prescribed by the constitution, and the laws of the land to be taken by him, in manner and form as prescribed, and among others this: "I do solemnly swear that I will support the constitution of the United States and of the State of Tennessee, and that I will administer justice without respect to persons, doing equal right to the poor and the rich, and that I will faithfully perform and discharge all the duties incumbent on me, as a Circuit Judge, according to the best of my skill and abilities, *So help me God*"—forthwith entered upon the exercise of his office, and discharge of the duties thereof, and from thence to the present time has so continued; but becoming negligent and capricious, and unmindful of the solemn duties of his office, and of the obligation by which he was bound faithfully, and impartially to the best of his skill and abilities to discharge them, he has in his Judicial capacity been guilty of the misdemeanors and misbehaviour enumerated and charged in the following articles and specifications:

ARTICLE FIRST.

On the trial of causes in the circuit courts holden by him as Judge, he has negligently and illegally omitted, failed and refused to hear, attend to, and superintend the testimony given by witnesses, and to hear, attend to, and superintend the argument of counsel upon such trials; but has on the trial of such causes negligently and illegally departed from the court house, the place of

holding court, and of trial, left jury, witnesses and counsel to proceed without his presence, hearing, attention and superintendence, and engaged in divers business, conversation, and amusements, to the great damage of the State of Tennessee, of the counties in which such trials were had, and of the parties to the causes so tried.

SPECIFICATION FIRST.

A circuit court was begun and holden in and for the county of Henderson at the court house thereof, by the said Joshua Haskell as Judge, on the second Monday of April eighteen hundred and twenty eight, and continued to be so holden during the term as prescribed by law; and then, to wit, on the sixteenth day of April eighteen hundred and twenty eight, and there, was tried in and before said court a certain cause, the State of Tennessee against William Walden on an indictment for murder, and on the trial of said cause, being a trial by jury, before said court, and during the examination by counsel of witnesses giving testimony in said cause, and during the arguments of counsel then and there made in said cause, he, the said Judge, then and there, did negligently, capriciously and illegally omit, fail and refuse to hear, attend to, and superintend the testimony of said witnesses, then and there given in, upon said trial, and the arguments of cousel so made on said trial, and then and there did negligently, capriciously and illegally go off, out of hearing from the counsel, witnesses and jury, then and there engaged in said trial, employ himself in conversation and business with divers persons unknown, and so remained out of hearing as aforesaid for a long time, to wit, for two hours; to the great damage of said William Walden, of the said county of Henderson, and of the State of Tennessee.

SPECIFICATION SECOND.

A circuit court was begun and holden in and for the county of Montgomery, at the court house thereof, by the said Joshua Haskell as Judge, on the third Monday of August eighteen hundred and twenty eight, and continued to be so holden for the term as prescribed by law; and then, to wit, on the twenty-first day of August eighteen hundred and twenty-eight, and there, was tried in and before said court, by jury, a certain cause, the State of Tennessee against Andrew Johnson, on an indictment for horse-stealing feloniously, and he the said Judge so holding said court upon said trial, then and there, did negligently, capriciously and illegally, omit, fail and refuse to hear, attend to, and superintend the testimony of witnesses who then and there gave testimony on said trial; and then and there did negligently, capriciously and illegally, omit, fail and refuse to hear, attend to, and superintend

the arguments of counsel, which were then and there made on said trial; and then and there did negligently, capriciously and illegally, withdraw himself from the business of said trial during the progress thereof, and engaged in various conversations and business with divers persons unknown; to the great damage of the said Andrew Johnson, of said county of Montgomery, and of the State of Tennessee.

SPECIFICATION THIRD.

A circuit court was begun and holden in and for the county of Hickman, at the court house thereof, on the second Monday of September eighteen hundred and twenty eight, by the said Joshua Haskell as Judge, and continued to be so holden for the term prescribed by law; and then, to wit, on the twelfth day of September eighteen hundred and twenty-eight, and there, was tried by jury in and before said court, a certain cause, the State of Tennessee against George W. Garrett on an indictment for perjury, and on the trial of said cause, in and before said court and during the examination by counsel of witnesses, then and there giving testimony in said cause, and during the arguments of counsel made on the trial of said cause, he, the said Joshua Haskell Judge as aforesaid, then and there, did negligently, capriciously and illegally, omit, fail and refuse, to hear, attend to, and superintend the testimony of the witnesses, then and there given in upon said trial, and then and there, did negligently, capriciously and illegally omit, fail, and refuse to hear, attend to, and superintend the arguments of the counsel then and there made upon said trial; he, the said Judge being, during the time of such testimony given in, and of such arguments made, engaged in conversation and business with divers persons unknown, sometimes in the court house, the place of trial, sometimes out of it, and sometimes out of sight and hearing from said court house, to the great damage of the said George W. Garrett, of the prosecutor on said indictment, of said county of Hickman, and of the State of Tennessee.

SPECIFICATION FOURTH.

A circuit court was begun and holden in and for the county of Humphreys, at the court house thereof, on the third Monday of September eighteen hundred and twenty eight, by the said Joshua Haskell as Judge, and continued to be so holden for the term prescribed by law; and then, to wit, on the seventeenth day of September eighteen hundred and twenty eight, and there, was tried by jury, in and before said court, a certain cause, the State of Tennessee against Nimrod Hooper, on an indictment for feloni-

ously stealing bank notes, and during the examination by counsel of witnesses, then and there giving testimony in said cause, and during the arguments of counsel made on the trial of said cause, he, the said Joshua Haskell, Judge as aforesaid, then and there, did negligently, capriciously and illegally, omit, fail, and refuse to hear, attend to, and superintend the testimony of the witnesses, then and there given in upon said trial; and then and there, did negligently, capriciously, and illegally omit, fail and refuse to hear, attend to, and superintend the arguments of the counsel, then and there made upon said trial, he, the said Judge being, during the time of such testimony given in, and of such arguments made, engaged in conversation and business with divers persons unknown, sometimes in the court house, the place of trial, and sometimes out of sight and hearing from the court house, to the great damage of the said Nimrod Hooper, of the said county of Humphreys, and of the State of Tennessee.

SPECIFICATION FIFTH.

A circuit court was begun and holden in and for the county of Dickson, at the court house thereof on the first Monday of September eighteen hundred and twenty eight, by the said Joshua Haskell as Judge, and continued to be so holden for the term prescribed by law; and then, to wit, on the fifth day of September eighteen hundred and twenty eight, and there, a certain cause, the State of Tennessee against Ausemus S. Merritt, on an indictment for negro stealing, was tried by jury, in and before said court, and on the trial of said cause, and during the examination by counsel of witnesses, and during the arguments of counsel on the trial of said cause, he, the said Joshua Haskell, Judge as aforesaid, then and there, did negligently, capriciously and illegally omit, fail and refuse to hear, attend to, and superintend the testimony of the witnesses, which, then and there was given in upon said trial, and then and there, did negligently, capriciously and illegally omit, fail and refuse to hear, attend to, and superintend the arguments of counsel, which, then and there were made on said trial; he, the said Judge being, during the time of such testimony given in, and of such arguments made, engaged in conversation and business with divers persons unknown, sometimes in the court house, the place of trial, sometimes out of it, and sometimes out of sight and hearing from the court house, to the great damage of the said Ausemus S. Merritt, of said county of Dickson, and of the State of Tennessee.

SPECIFICATION SIXTH.

A Circuit Court was begun and holden in and for the county

of Madison, at the court house thereof, by the said Joshua Haskelll as Judge, on the the third Monday of July eighteen hundred and twenty-seven, and continued to be holden for the term prescribed by law; and then, to wit on the nineteenth day of July eighteen hundred and twenty seven, and there a certain cause, the State of Tennessee against James Wright, on an indictment for murder was tried by a jury in and before said court, and on the trial of said cause and during the examination by counsel of witnesses, then and there giving testimony in said cause, and during the arguments of couunsel made on the trial of said cause, he, the said Joshua Haskell, Judge as aforesaid, then and there, did negligently, capriciously and illegally omit, fail and refuse to hear, attend to, and superintend the testimony of witnesses, then and there given in on said trial, and then and there did negligently, capriciously and illegally omit, fail and refuse to hear, attend to, and superintend the arguments of counsel, then and there made on said trial; he, the said Judge being, during the time of said testimony given in, and of said arguments made, engaged in conversation and business with divers persons unknown, sometimes in the court house, the place of trial, sometimes out of it, and sometimes out of sight and hearing from said court house, to the great damage of said county of Madison, and of the State of Tennessee.

SPECIFICATION SEVENTH.

A Circuit Court was begun and holden in and for the county of Madison, at the court house thereof, by the said Joshau Haskell as Judge, on the third Monday of February, in the year eighteen hundred and twenty eight, and continued to be so holden for the term prescribed by law; and then, to wit, on the twenty-first day of said February, and there, a certain cause, the State of Tennessee against John Newbold, on an indictment for murder, was tried by jury, in and before said court, and on the trial of said cause, and during the examination by counsel of witnesses giving testimony in said cause, and during the arguments of counsel on the trial of said cause, he, the said Joshua Haskell, Judge as aforesaid, then and there did negligently, capriciously and illegally omit, fail and refuse to hear, attend to, and superintend the testimony of the witnesses, which was then and there given in upon said trial, and then and there, did negligently, capricously and illegally omit, fail and refuse to hear, attend to, and superintend the arguments of counsel, which were then and there made on said trial; he, the said Judge, being, during the time of such testimony given in, and of such arguments made, engaged in conversation, and business with divers persons unknown, sometime in the court house, the place of trial, sometime out of it, and some-

times out of sight and hearing from said court house; to the great damage of the said John Newbold, of said county of Madison, and of the State of Tennessee.

SPECIFICATION EIGHTH.

A Circuit Court was begun and holden in and for the county of Haywood, at the court house thereof, by the said Joshua Haskell as Judge, on the first Monday of July eighteen hundred and twenty eight, and continued to be so holden for the term prescribed by law; and then, to wit, on the eighth day of said July, and there, a certain cause, the State of Tennessee against ———— Stephens (his christian name being now unknown) on an indictment for Mayhem, (being the only case of the State of Tennessee against a man by the sirname of Stephens, then and there pending) was tried by jury, in and before said court, and on the trial of said cause, and during the arguments of counsel, then and there made for the defendant on said trial, he, the said Joshua Haskell Judge as aforesaid, then and there, did negligently, capriciously and illegally omit, fail & refuse to hear, attend to, and superintend the arguments of said counsel, which then and there was made on said trial, he, the said Judge, being, during the time of said arguments made, engaged in conversation with Pleasant M. Miller, and divers other persons unknown, at a distance from the court house, the place of trial, and of said arguments out of hearing, to the great damage of the defendant, of said county of Haywood, and of the State of Tennessee.

SPECIFICATION NINTH.

A Circuit Court was begun and holden in and for the county of Madison, at the court house thereof, by the said Joshua Haskell as Judge, on the third Monday of February, eighteen hundred and twenty nine, and continued to be so holden for the time prescribed by law; and then, to wit, on the twenty first day of said February, and there a certain cause, Elijah Foster plaintiff, against Henry Smith defendant, was tried by jury in and before said court and on said trial of said cause, and during the examination by counsel of witnesses, giving testimony in said cause, he, said Joshua Haskell, Judge as aforesaid, then and there, did negligently, capriciously and illegally omit, fail, and refuse to hear, attend to, and superintend the testimony of said witnesses, then and there given in upon said trial, but, did then and there negligently, capriciously and illegally, go off, out of sight and hearing from the counsel, witnesses, and jury, then and there engaged in said trial employ himself in conversation and business, with divers persons

unknown, and remain so out of sight and hearing as aforesaid, two hours; to the great damage of the parties in that cause, of the county of Madison, and of the State of Tennessee.

SPECIFICATION TENTH.

And in and before the court so holden as in the last preceding specification is mentioned, a certain cause, the State of Tennessee against Solomon Stone, on an indictment for feloniously passing a counterfeit bank note; then, to wit, on the twenty first day of February, eighteen hundred and twenty nine, and there, was tried by jury, and on the trial of said cause, the said Judge then and there, did negligently, capriciously and illegally, omit, fail, and refuse to hear, attend to and superintend the testimony of witnesses then and there given in on said trial, and the arguments of counsel then and there made on said trial, but did negligently, capriciously and illegally, go off, out of hearing from the court house, during the time of the testimony given in by witnesses, and of the arguments made by counsel on said trial, to the great damage of the said Solomon Stone, of said county of Madison, and of the State of Tennessee.

SPECIFICATION ELEVENTH

A circuit court was begun and holden in and for the county of Hardin, at the court house thereof, by the said Joshua Haskell as Judge, on the second Monday of May, eighteen hundred and twenty nine, and continued to be so holden for the term prescribed by law; and then, to wit, on the fifteenth day of said May, and there, was tried by jury, in and before said court, a certain cause, John Thompson against William Sloan, and on the trial of said cause before said court, and during the examination by counsel of witnesses, then and there giving testimony on said trial, and during the arguments of counsel, then and there made on said trial, he, the said Joshua Haskell, Judge as aforesaid, then and there did negligently, capriciously and illegally, omit, fail and refuse to hear, attend to, and superintend the testimony of the witnesses which was then and there given on said trial, and then and there did negligently, capriciously and illegally omit, fail, and refuse to hear, attend to and superintend the arguments of counsel which were then and there made on said trial, he, said Judge being, during the time of said testimony given, and of said arguments made, engaged in conversation and business with divers persons unknown, at a distance beyond hearing from the place of trial; to the great damage of the parties in said cause, of said county of Hardin, and of the State of Tennessee.

ARTICLE SECOND.

He has negligently and illegally omitted, failed and refused to have, and to hear read in open court, the minutes of courts in which he has presided as Judge, and has, as a Judge, signed them as records of said courts, without having and hearing them read, and without knowing whether they were true or false.

Specfication First.

A circuit court was begun and holden in and for the county of McNairy, at the court house thereof, by the said Joshua Haskell as Judge, on the third Monday of May, eighteen hundred and twenty-nine, and continued to be so holden for the term prescribed by law, and on the twenty first day of said May, the minutes of the proceedings of said court for the previous day, not read or signed, were produced by the proper officer and offered to be read in open court, and he, the said Judge then and there, did negligently and illegally omit, fail and refuse to have and to hear the same read, and then and there did negligently and illegally sign them as true records of said court, without knowing whether they were, or were not true—contrary to the form of the statute in such cases made and provided, to the great damage of the people of this State, and of the State of Tennessee.

Specification Second.

A circuit court was begun and holden in and for the county of Hickman, at the court house thereof, by the said Joshua Haskell as Judge, on the second Monday of September, eighteen hundred and twenty eight, and con inued to be so holden for the time prescribed by law, and on the last day of said court, to wit, on the twelfth day of said September, the minutes of the proceedings of said court, then and there had, for the said last day, not read or signed, were by the proper officer produced before the said Judge in open court, and he, said Judge, then and there did negligently and illegally omit, fail, and refuse to have and hear said minutes read, and then and there did negligently and illegally sign said minutes, as true records of the proceedings of said court, without knowing whether said minutes were true or false, contrary to the form of the statute, in such cases made and provided, to the great damage of the people of this State, and of the State of Tennessee.

All and every of which aforesaid misdemeanors and misbehaviour, the House of Representatives of the General Assembly of the State of Tennessee say, the said Joshua Haskell, Judge as aforesaid, has committed and been guilty of, to the evil example of

all others in like cases offending, and against the peace and dignity of the State.

And the said House of Representatives of the General Assembly of the State of Tennessee, by protestation, saving to themselves the right of exhibiting at any time hereafter, any further articles or other accusations or impeachments against the said Joshua Haskell, and also of replying to his answers, which he shall make unto the said articles, or any of them, and offering proof to all and every the aforesaid articles, and to all and every other articles of impeachment or accusation, which shall be exhibited by them, as the case shall require, do demand that the said Joshua Haskell, Judge as aforesaid, may be put to answer the said articles of misdemeanors and misbehaviour, and that such proceedings, examinations, and trials and judgments may be thereupon had as are agreeable to law and justice, and the constitution of the State of Tennessee.

A. W. OVERTON,
B. GILLESPIE,
ROGER BARTON,
WM. M. INGE,
DIXON ALLEN,
} MANAGERS.

House of Representatives, December 21, 1829.
Read and unanimously adopted.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.

Attest
THOMAS J. CAMPBELL, *Clerk.*

The following oath was administered by Robert C. Foster, Esq. a Justice of the Peace for Davidson county, to the honorable President and gentlemen of the court, except Mr. Walker, who was absent from indisposition, to wit:

"You and each of you do solemnly swear upon the Holy Evangelist of Almighty God, that in all things appertaining to the trial of Joshua Haskell, Judge of the 8th Judicial circuit, you will do impartial justice, according to law and evidence—So help you God."

And the following oath was administered by the same to the clerk and sergeant at arms:

"You and each of you do solemnly swear upon the Holy Evangelist of Almighty God, that as officers of this Court of Impeachment, you will faithfully perform the duties pertaining to your offices respectively, to the best of your skill and abilitis—So help you God.'.

Ordered, That the Sergeant at arms forthwith notify the managers on the part of the House of Representatives, and also the de-

fendant, that the court are now organized, and ready to proceed in the trial of said cause.

After the lapse of a few minutes, the managers on the part of the House of Representatives, and the defendant and his counsel, Mr. Fletcher, appeared and were invited to seats within the bar of the Senate.

Whereupon the Honorable John Tipton, President of the court, addressed the defendant in the following words, to wit:

"Judge Haskell, you have been summoned before the Senate of the State of Tennessee, now acting as a court, on articles of impeachment, preferred against you by the House of Representatives. The court are now ready to proceed in the investigation of said charges, and to hear any answer you may think proper to make by yourself or counsel, and are willing to extend to you all the rights and privileges, guaranteed by the constitution and laws of our State."

Mr. Huntsman submitted the following:

"In the impeachment of the Honorable Joshua Haskell, before the Senate of the State of Tennessee, Adam Huntsman, one of the Senators, states, that he has been summoned as a witness against the defendant; that he has been examined before the investigating committee, and expects to be examined as a witness before the Honorable Senate when sitting as a court.

The delicacy of the situation of the same person sitting as Judge, Juror and Witness; and furthermore it being his duty to weigh the extent and application as well as the credibility of his own testimony, is so contrary to the spirit of our laws and constitution, that it ought never to be exercised by the same person under any circumstances, as it is wholly repugnant to the principles of our government——He therefore prays to be excused from sitting as a member of this court.

Mr. Campbell moved that Adam Huntsman be excused from setting as a member of this court on the trial of Joshua Haskell and the question thereon being taken it was determined in the negative—Mr. Campbell only voting in favor of the motion, and Messrs. President, Allen, Burford, Cannon, Cleveland, Frey, Gillespy, Graves, Greene, Holman, Johnson, Littleheld, Love, Lytle, McClellan, Smith and Webster—17—against it.

Ordered, that the rules governing the court, on the trial of N. W. Williams, be adopted for the government of this court.

Mr. Campbell moved the court to adjourn until Monday next, 10 o'clock, A. M. and that the defendant be allowed until that time to prescribe the course he intends taking in his defence, which motion prevailed.

Whereupon it was ordered that the court adjourn until Monday morning 10 o'clock.

JOHN TIPTON, President.

William K. Hill, Clerk.

MONDAY, 28th DECEMBER, 1829.

Court met according to adjournment.

The Honorable John Tipton, President thereof in the chair, the respective members in their seats, the managers on the part of the House of Representatives and also the Respondent and his counsel being present,

Mr. Gillespy on the part of the managers moved to amend the 7th, 9th and 10th Specifications of the first article, by striking from said Specifications, the words, 'third Monday in February,' and inserting in lieu thereof the words "third Monday in January, and 23d day of January," and the defendant by his counsel agreeing thereto, it was ordered by the court that said amendment be made.

Mr. Fletcher as counsel for the defendant, moved the court to allow him until Monday the 4th of Jan. 1830, to file his answer and pleas to the charges and specifications preferred against him by the house of representatives, which motion was sustained by the unanimous consent of the Court.

Whereupon it was ordered on motion of Mr. Huntsman that this court adjourn until Thursday next, 10 o'clock, A. M.

JOHN TIPTON, President.

William K. Hill, Clerk.

THURSDAY, 31st DECEMBER, 1829.

Court met according to adjournment.

The Honorable John Tipton, President thereof in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the defendant and his counsel being present,

Mr. Gillespie on the part of the managers, moved further to amend the 7th, 9th and 10th Specifications of the 1st article by adding to each of said Specifications the words "and twenty-third day of January," and the defendant by his counsel agreeing thereto, it was ordered by the court that said amendment be made.

Mr. Huntsman then moved the court to adjourn until Monday next, 10 o'clock, A. M. which motion was sustained.

Wherenpon it was ordered that this court adjourn until Monday next, 10 o'clock, A. M. the 4th of January.

JOHN TIPTON, President.

MONDAY, 4th JANAUARY, 1830.

Court met according to adjournment.

The Honorable John Tipton, President thereof in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the defendant and his counsel being present.

STATE OF TENNESSEE,
vs.
JOSHUA HASKELL, Ju lge of the 8th Judicial circuit,

This respondent in his proper person comes into the said court, and protesting that there is no misdemeanor, or misbehaviour, particularly alledged in the said articles of impeachment, to which he is or can be bound by law to answer, and saving to himself, now and at all times hereafter, all benefit of exception to the insufficiency of the said articles and specifications, and each of them, and to the defects therein appearing in point of of law or otherwise.

For plea to the said first article of impeachment, and to the said specifications therein set forth, saith that he is not guilty of any misdemeanor or misbehaviour, as in and by the said first article and said specifications is alledged; and this he prays may be enquired of, by this Honorabe court, in such manner as law and justice shall seem to requïre.

And the said Joshua Haskell to the said second article of Impeachment, and to the said specifications therein set forth, saith that he is not guilty of any misdeanor, or misbehaviour as in and by the said second article, and the said last mentioned specifications is alledged, and this he prays may be inquired of by this honorable court, in such manner, as law and justic shall seem to them to require.

And the managers on the part of the House of Representatives doth the like.

Mr. Burford submitted the following,

Whereas the General Assembly have nearly closed the business of the present session, and whereas the Defendant states, that it will not be possible for him to be ready for trial in a less time than two weeks, which time the court think reasonable; Therefore in order to relieve the State of great expense from the procrastination of the session, and by the consent of the defendant and the managers on the part of the House of Representatives; Mr. Burford moved that the trial of the Honorable Joshua Haskell be postponed until the second Monday of the next regular or called session of the General Assembly, which motion was sustained.

Ayes—Mr. President, Allen, Burford, Campbell, Cannon,

Cleveland, Frey, Gillespy, Graves, Greene, Holman, Huntsman, Love, Lytle, McClellan, Smith and Webster, 17.

Noes—Messrs. Johnson and Littlefield, 2.

Whereupon it was ordered by the court, that this cause be suspended, until the second Monday of the next meeting of the Legislature.

On motion of Mr. Huntsman,

Ordered that this court adjourn until tomorrow morning ten o'clock.

JOHN TIPTON, President.

Wm. K. Hill, clerk.

TUESDAY, 5th JANUARY, 1830.

The court met according to adjournment.

The Honorable John Tipton, president thereof, and the respective members in their seats.

State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judicial circuit.

This cause being continued until the 2d Monday of the next meeting of the Legislature, it is ordered by the court, that the clerk issue to the order of the managers on the part of the House of Representatives, and also to the order of the Respondent and his counsel, any and all subpeonas by them applied for, directed to the Sheriffs or Coroners of the several counties in which such witnesses may reside returnable on the said 2d Monday of the next meeting of the General Assembly.

Ordered that this court adjourn until the said 2d Monday of the next meeting of the Legislature.

JOHN TIPTON, President.

W. K. HILL, Clerk.

WEDNESDAY, SEPTEMBER 28th, 1831.

The Senate resolved themselves into a court of impeachment on the articles and specifications preferred by the House of Representatives at the last session of the General Assembly, against Joshua Haskell, Judge of the 8th Judicial circuit in and for the State of Tennessee, and of the circuit courts of said State; appointed the Honorable Abram McClellan, Senator from the county of Sullivan, President thereof, William K. Hill, their clerk, and George W. Woods, their Sergeant at arms.

The following oath was thereupon administered by Thomas Stewart, Esq. one of the Judges of the circuit courts of the State of Tennessee, to the honorable President and gentlemen of the court, except Mr. Davis and Mr. Douglas, to wit:

"You and each of you do solemnly swear upon the Holy Evangelist of Almighty God, that in all things appertaining to the trial of Joshua Haskell, Judge of the 8th Judicial circuit, you will do impartial justice, according to law and evidence, So help you God.

The following oath was administered by the same to the clerk and sergeant at arms.

"You and each of you do solemnly swear upon the Holy Evangelist of Almighty God, that as officers of this court of impeachment, you will faithfully perform the duties pertaining to your offices respectively, to the best of your skill and abilities, So help you God.

On motion of Mr. Bradford,

Ordered, that the clerk of this court, notify the House of Representatives that the Senate have resolved themselves into a Court of Impeachment, and are now ready to proceed in the trial of the cause set for hearing. And

On motion of Mr. Greene it was further ordered, that the Sergeant at Arms forthwith give the same notification to the Respondent Judge Haskell.

On motion of Mr. Greene,

Ordered, that the rules adopted for the government of the Court of Impeachment on the trial of Judge Nathaniel W. Williams, be adopted as the rules for the goverment of this court.

Mr. Bradford submitted the following for the consideration of the court:

Whereas Burchet Douglass and William Davis, two members of the Senate, have claimed to be excused from serving as members of this court, for the reason, that they were formerly members of the committee of the House of Representatives, who preferred the articles of impeachment now pending against the Judge of the 8th Judicial circuit.

Upon consideration, the reason assigned is deemed sufficient by the court.

About which the court made no order.

Received from the House of Representatives, by Mr. Allen, one of the managers on their part, the following message, to wit:

Mr. President,

I am directed to inform the court of impeachment that the House of Repretentatives are not now ready to proceed with the trial of Judge Haskell, and request a continuance of said cause until Monday next.

The respondent and his counsel being present, and consenting

to the request of the House of Representatives, it is therefore,

Ordered, that this court adjourn until Monday morning next, 10 o'clock:

A. McCLELLAN.

William K. Hill, clerk.

MONDAY, OCTOBER 3rd, 1831.

Court met agreeable to adjournment.

The Honorable Abram McClellan, President thereof, in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

Mr. Bradford asked leave to withdraw the motion made and submitted by him on Wednesday last, for the consideration of the court; which was granted.

Messrs Douglass and Davis offered the following as the cause of their refusing to serve as members of this court, and obtained leave to have it spread upon the Journal:

"The undersigned Senators would respectfully represent to the court of impeachment now in session for the trial of the Judge of the 8th Judicial circuit of the State of Tennessee, that they were members of the House of Representatives of the last General Assembly, and members of the committee who examined the witnesses on the part of the State; and upon whose testimony the articles of impeachment were voted, upon which the defendant is now before this court for trial.—And for as much as the custom in all criminal prosecutions, founded in propriety, forbid that prosecutors should be judges: They therefore ask to be excused for their refusal to set as members of the present court, and that the foregoing be spread upon the records of the court.

BURCHET DOUGLASS.
WILLIAM DAVIS.

Mr. Fletcher as counsel for the defendant, moved the court to make an order, authorising the sergeant at arms to depute persons to serve subpœnas in behalf of the respondent in cases where he cannot conveniently serve them himself.

Mr. Claiborne, one of the managers on the part of the House of Representatives, moved the court to extend the order, so as to authorise the sergeant at arms to depute persons to serve subpœnas on the part of the State also, when he cannot conveniently do so himself; both of which motions being sustained,

It was ordered by the court, that the Sergeant at arms depute persons to serve subpœnas as well on the part of the State as of

the defendant, in all cases where he cannot conveniently do so himself.

Mr. Claiborne moved the court to allow the managers until Monday next to prepare for the trial of Joshua Haskell, Judge, &c. which motion being also sustained,

It was ordered, on motion of Mr. Burford, that this court adjourn until Monday next, 10 o'clock, A. M.

A. McCLELLAN.

WM. K. HILL, Clerk.

MONDAY MORNING, OCTOBER 10th, 1831.

Court met agreeable to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats; the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

Mr. Claiborne, one of the managers on the part of the House of Representatives, informed the court they were ready to proceed in the trial of Joshua Haskell, Judge of the 8th Judicial circuit.

Thomas H. Fletcher, Esq. as counsel for the rsspondent, moved the court to allow the defendant until Monday the 31st day of this month, to procure the attendance of his witnesses

Which being considered reasonable, and the managers agreeing thereto, it was ordered by the court, that the indulgence asked for by the defendant be allowed him, and that the clerk issue subpœnas returnable on that day.

Ordered that this court adjourn until Monday next, 2 o'clock, P. M.

A. McCLELLAN, Chairman.

WM. K. HILL, Clerk.

MONDAY, OCTOBER 17th, 1831.

Court met according to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats, Mr. Inge, Mr. Allen, Mr. Dunlap, Mr. Turney and Mr. Claiborne, managers on the part of the House of Representatives; and also the respondent and his counsel, Wm. E. Anderson, Alfred Balch and Thomas H. Fletcher, Esqr's. being present.

The State of Tennessee,
Vs.
Joshua Haskell, Judge of the 8th circuit.

This cause being continued by consent of the parties, until Monday next, 2 o'clock, P. M. it is ordered that the court adjourn until that time.

A. McCLELLAN.

WM. K. HILL.

MONDAY EVENING, 2 o'clock, OCTOBER 24th, 1831.

Court met according to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

The State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judicial circuit. } Impeachment.

The trial of this cause being set for Monday next, it is ordered that this court adjourn until that day 10 o'clock, A. M.

A. McCLELLAN.

WM. K. HILL, Clerk.

MONDAY MORNING, OCTOBER 31st, 1831.

Court met according to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

Pleasant M. Miller, Esq. one of the counsel for the defendant, also appeared, and took his seat within the bar of the Senate.

State of Tennessee.
ys.
Joshua Haskell, Judge of the 8th Judicial circuit

Mr. Inge on the part of the House of Representatives, moved the court to adjourn until Wednesday next, 10 o'clock, A. M.

which motion being sustained, it was thereupon ordered that this court adjourn until that time.

A. McCLELLAN.

WM. HILL, Clerk.

WEDNESDAY MORNING, NOVEMBER 2nd, 1831.

Court met according to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judicial circuit. } Impeachment.

Mr. Allen, one of the managers on the part of the House of Representatives, moved the court to adjourn until Monday the 14th inst., alleging that they, on the part of the State, were not prepared to enter into the trial of said cause, on account of the absence of important witnesses, on the part of the prosecution.

The motion was advocated by Mr. Allen, Mr. Claiborne, Mr. Turney and Mr. Inge, and objected to by the defendant's counsel. And the argument being unfinished, on motion of Mr. Bradford,

Ordered that this court adjourn until tomorrow morning, 10 o'clock.

A. McCLELLAN.

WM. K. HILL, Clerk.

THURSDAY MORNING, NOVEMBER 3rd, 1831.

Court met according to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judicial circuit. } Impe't.

The argument on the motion of Mr. Allen, was resumed, and continued for some time, when the managers on the part of the House of Representatives proposed to amend the motion by, sub-

stituting Wednesday the 9th instead of Monday 14th, alleging that their sole object in asking the postponement of this cause until Wednesday next, is because they are not prepared at this time for trial on account of the absence of several of their most important witnesses; some of whom have been regularly summoned, but do not attend; others have been returned not found, who are material witnesses for the State; and they believe that their presence can be had in eight or ten days; and therefore move the court to postpone the trial of this cause until Wednesday next. And after argument being heard as well in support of as against the motion, tion, the question was submitted, and determined in the negative, Noes 10, Ayes 8.

Those who voted in favor of the motion are,

Mr. President, Brabson, Field, Frey, Gillespy, Lytle, Polk and Wyly—8.

Those who voted against the motion are,

Mr Anderson, Andrews, Bradford, Burford, Greene, Holman, Jetton, McIver, Murray and Perkins—10.

And so said motion was overruled.

Mr. Joseph H. Talbot, a witness on the part of the State being sworn,

Mr. Claiborne one of the managers on the part of the State, asked the witness to state all he knew in relation to the conduct of the accused, on the trial of William Walden, on an indictment for murder in the Henderson Circuit court, begun and held on the 2d Monday in April, 1828. To which Mr Fletcher as counsel for the Respondent, objected and submitted the following as his reasons for such objection;

1st. That for the purpose of shewing that the courts mentioned in the specifications were held at the several times charged and for the counties charged, the honorable managers must produce properly authenticated records of said courts, and that any other testimony is incompetent and inadmissible.

2. That for the purpose of shewing that the suits mentioned in the specifications were tried in the courts mentioned therein, and at the times charged, and that on their trial the respondent presided as Judge, the honorable managers must produce authenticated transcripts of the record of each case so charged, and that any other testimony is incompetent and inadmissible, and therefore the counsel for the respondent move the court to reject any and all testimony touching said facts, save the transcripts aforesaid.

And after hearing arguments as well in support of as against said motion, the court adjourned until to morrow morning 10 o'clock, A. M.

A. McCLELLAN.

Wm. K. Hill, clerk.

Mr. Holman's reasons for his vote on the motion of Mr. Allen to postpone till Wednesday:

The Managers on the part of the House of Representatives moved the court to continue the trial of this Impeachment until Wednesday the 9th instant, alleging that many of their witnesses were absent, some of whom, (they said) had been summoned, others returned not found, and that those witnesses were material for the State, &c. The Respondent's counsel objected to this continuance and demanded a trial.

I am of opinion that this motion for a continuance ought not to sustained. The House of Representatives have exhibited articles of impeachment against this Respondent, they have appointed their Managers; the Senate have organized themselves into a court of Impeachment; the managers have appeared before them, and this cause is now properly before the court, and beyond the reach and control of the House of Representatives. The questions then before this court for their determination are,

First, is this court governed by the same rules of law that govern criminal prosecutions in courts of common law? and if so, have the managers shown good cause for a continuance?

In the first place, I am of opinion that the same rules of law which govern all proceedings in courts of common law govern this court. It is futile to say, that because this is the highest court in the land, that consequently it is not bound to obey those rules of law, by which courts of justice are governed. Its elevation and the supposed wisdom of its judges, is one reason why it is expected that this court should in its decisions rigidly adhere to the laws of the country.

Secondly, It has not been shown to the satisfaction of my mind, that the evidence of those absent witnesses is material for the State, or that the facts which they would prove cannot be proved by other witnesses present. Judge Greene and Mr. Dyer, it is said are material witnesses for the State; but upon inquiry it is ascertained that neither of them have been subpeoned to attend this trial. We have no affidavit before us, showing the materiality of any absent witness, or that the managers cannot go safely to trial without the testimony of the absent witnesses. The continuance of this trial will produce a considerable amount of cost, both to the State and to the Respondent. He demands "a speedy, hasty trial," to which the constitution entitles him, and as I believe sufficient cause has not been shown for a continuance. I, as one of the members of this court, will not grant it.

JAMES T. HOLMAN.

FRIDAY MORNING, NOVEMBER, 4th 1831.

Court met according to adjournment.

The Hon. Abram McClellan, President thereof in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

STATE OF TENNESSEE,
vs.
JOSHUA HASKELL, Judge of the 8th Judicial circuit, } Imp'chment.

The argument on Mr. Fletcher's motion of yesterday was resumed, and continued until 5 o'clock in the evening, and not having been concluded, it was on motion of Mr. Bradford,

Ordered, that the further arguments on said motion be suspended, and that this court adjourn until tomorrow morning 10 o'clock.

A. McCLELLAN.

Wm. K. Hill, clerk.

SATURDAY MORNING, NOVEMBER 5th, 1831.

Court met according to adjournment.

The honorable Abram McClellan, President thereof in the chair, the respective members in their seats, the managers on the part of the house of representatives, and also the Respondent and his counsel being present.

The State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judicial circuit,

The argument on Mr. Fletcher's motion was resumed by Mr. Andersou during the progress of which he waived the first branch of the grounds taken by Mr. Fletcher in his objections to the question asked the witness; at the conclusion of which the question was submitted, will the court sustain the motion, and determined unanimously in the affirmative.

On motion of Mr. Holman it was ordered that the following rules be adopted for the government of the court.

RULE 1st. The President of the court, so soon as the Speaker of the Senate leaves the chair shall assume his seat and call the members of the court to order.

2d. Not more than one of the counsel for the Respondent, nor more than one on the part of the State, shall examine any one witness. And on all collateral questions which may come before the court, such as upon the competency or admissibility of testimony

not more than two on either side shall speak on the same question.

3d. All motions made by the counsel on either side shall be in writing and shall be enterred of record.

4th. Should the counsel for the Respondent, or the managers on the part of the house of Representatives, deviate in argument, from the point before the court, it shall be the duty of the President or any member of the court to call him to order.

5th. No member shall argue any point before the court, but may when called upon for a decision, state the reasons of his opinion or peliver them in writing.

6th. When any decision is made by the court the President shall announce the result, but no decision shall be announced unless concurred in by a majority of the court.

7th. The President shall collect and deliver the opinion of the court, and decide the points of order between the counsel of the Respondent and the managers on the part of the State, or may submit the same to the court for determination. The opinion of each member shall be called for and given separately if required; and the ayes and noes shall be taken by the clerk on every question, and the result shall be announced by the President.

Mr. Allen one of the managers for the prosecution moved the court to delay the further trial of the cause until 10 o'clock, A. M Tuesday next, that the managers might have time to procure certain records required by the decision of the court just made, and which they had sent for to Charlotte, Clarksville, and to Hickman county, and which they expect to receive by Monday evening next.

And after hearing arguments, as well in suppors of as against said motion, the question was submitted, Will the court sustain the motion? and determined unanimously in the affirmative.

Whereupon it was ordered that this court adjourn until Tuesday morning next, 10 o'clock.

A. McCLELLAN.

WM. K. HILL, Clerk.

TUESDAY MORNING, NOVEMBER 8th, 1831.

Court met according to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judicial circuit.

Mr. Cave Johnson, a witness on the part of the State, was introduced, sworn and examined; during the progress of whose examination, he was asked by Mr. Claiborne, one of the managers, "If Judge *H*askell left the bench during the trial of other causes than those specified in the 2nd specification of the 1st article, to wit, that of the State against Andrew Johnston?" to which the counsel for the defendant objected, as the trials referred to were not set forth in any specifications.

And after arguments being heard as well in support of as against the objection, the question was submitted, Will the court sustain the objection made by defendant's counsel? and determined in the affirmative—ayes 13, noes 5.

Those who voted in the affirmative are,

Messrs. President, Anderson, Andrews, Brabson, Field, Gillespy, Greene, Holman, Jetton, Murray, Perkins, Polk and Wyly, 13.

The negative voters are,

Mr. Bradford, Burford, Frey, Lytle and McIver, 5.

And so the objection taken was sustained.

The witness, Mr. Johnson, after stating the fact of the absence of the Judge from the court while the trial was progressing, in the case of the State, vs. Andrew Johnson, went on to state the peculiar circumstances and facts, which fixed in his recollection the fact of the absence of the Judge; to the statement of which peculiar circumstances and facts, (they not being specified in any specification, the counsel of the respondent objected, and moved the court to exclude the testimony; which motion was overruled, ayes 3, noes 15.

Mr. Bradford, Mr. Lytle and Mr. Perkins, 3, voting in the affirmative, and Mr. President, Andrews, Anderson, Brabson, Burford, Field, Frey, Gillespy, Greene, Holman, Jetton, McIver, Murray, Polk and Wyly, voting in the negative.

The managers introduced a copy of the record in the case of the State, vs. Ausemus S. Merritt, mentioned in the 5th specification of the 1st article, and proposed to read the same as evidence in support of the prosecution.

To which the counsel for the respondent objected, on the ground that there is a variance in the record, and the case specified in the said 5th specification, in this: that the given name of the defendant is spelled "Orsemus" in the record, and "Ausemus" in the said 5th specification and moved the court to prohibit the reading of the record as evidence against the accused.

Whereupon the question was submitted, Will the court sustain the said motion? and determined in the negative, Mr. Gillespy and

Mr. Murray voting in the affirmative, and Mr. President, Anderson, Andrews, Brabson, Bradford, Burford, Field, Frey, Greene, Holman, Jetton, Lytle, McIver, Perkins, Polk and Wyly—16, in the negative.

The examination of Mr. Cave Johnston was resumed; in the course of which, the managers requested the witness to state all he knew in relation to the charges and specifications set forth in the 5th specification.

The defendant's counsel objected to the introduction of any testimony under the said fifth specification, going to show that the respondent was absent from the court house, during the electing, empanneling or swearing of the jury in the case therein specified; alleging that no such charge was contained in said specification.

And after hearing arguments as well in support of as against said objection, the question was submitted, Will the Senate sustain the objection made by defendant's counsel? and determined in the negative.

Mr. Anderson, Andrews, Bradford, Field, Holman, McIver, Murray, 7, voting in the affirmative; and,

Mr. President, Brabson, Burford, Frey, Gillespy. Greene, Jetton, Lytle, Perkins, Polk and Wyly, 11, voting in the negative.

Ordered that this court adjourn until tomorrow morning, 10 o'clock.

A. McCLELLAN.

WM. K. HILL.

WEDNESDAY MORNING, NOVEMBER 9th, 1831.

Court met according to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

The State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judicial circuit.

The examination of Mr. Cave Johnson was again resumed, in the progress of which, Mr. Claiborne one of the managers on the part of the prosecution, asked the witness to state what the generaral conduct of the Judge was, in relation to his leaving the bench during the trial of causes at the Montgomery and Dickson courts during the terms mentioned in the 2nd and 5th specifications—stating that this question is asked, because the respondent's counsel asked the witness whether any exceptions were taken to the respondent's opinions, and whether there was not as much busi-

ness done at those courts as usual. To which respondent's counsel objected, and submitted the question without arguments to the court.

The objection was overruled;

Mr. Murray voting to sustain the objection; and

Mr. President, Anderson, Andrews, Brabson, Bradford, Burford, Field, Frey, Gillespy, Greene, Holman, Jetton, Lytle, McIver, Perkins, Polk and Wyly, voting against the objection.

Nathaniel H. Allen, a witness on the part of the State, was introduced, sworn and examined; at the conclusion of which he was finally discharged.

Joseph Hise and Leonard P. Cheatham were introduced, sworn and examined in support of the prosecution.

Ordered that the court adjourn until tomorrow morning 10 o'clock.

A. McCLELLAN.

THURSDAY MORNING, NOVEMBER 10th, 1831.

Court met according to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judicial circuit. } Impeachm'nt

Mr. Samuel Sebastian was introduced, sworn and examined in support of the prosecution; at the close of whose examination he was finally discharged.

On motion of Mr. Bradford,

Mr. James McDowell was appointed assistant sergeant at arms who was thereupon ordered to remain without the bar of the court, for the purpose of securing silence and preserving good order in the lobby of the Senate.

Gabriel Fowlkes and Henry Nixon, witnesses on the part of the State, were introduced, sworn and examined.

Andrew L. Martin, a witness on the part of the prosecution, was introduced and examined; in the progress of whose examination, he was asked by Mr. Claiborne, if the respondent was not in the habit of leaving the bench during the trial of causes? To which respondent's counsel objected, upon the ground that the habit relates to cases not contained in any one of the articles of impeachment or specifications attached thereto; and moved the court to exclude the testimony.

Whereupon the question was submitted, "Will the court sustain the motion? and determined in the affirmative—ayes 11, noes 7.

The affirmative voters are,

Mr. President, Anderson, Andrews, Brabson, Field, Greene, Holman, Murray, Perkins, Polk and Wyly—11.

The negative voters are,

Mr. Bradford, Burford, Frey, Gillespy, Jetton, Lytle and McIver—7.

And so said motion was sustained.

Adam Huntsman, a witness on the part of the State, was introduced, sworn and examined; but his examination not being concluded, it was ordered that further proceedings in this cause be suspended until tomorrow morning, 10 o'clock; to which time the court adjourned.

A. McCLELLAN.

FRIDAY MORNING, NOVEMBER 11th, 1831.

Court met according to adjournment.

The Hon'ble Abram McClellan, President thereof in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present,

The State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judicial circuit, } Impeach'nt.

The managers on the part of the House of Representatives moved the court to reconsider the decision made and vote given by them on yesterday, upon the question asked by the managers in relation to the general conduct of the respondent.—

And after hearing argument in support of said motion, the question was submitted, and determined in the negative.

Mr. Burford, Frey, Gillespy, Jetton, Lytle and McIver—6, voting in the affirmative; and,

Mr. President, Anderson, Andrews, Brabson, Bradford, Field, Greene, Holman, Murray, Perkins, Polk and Wyly—12, in the negative.

So said motion was overruled.

Mr. Greene moved the court to make an order, that the further reading of the records of the several courts be dispensed with on the part of the State, and that the respondent be furnished with said records for inspection when required, by and with the consent of the managers,

Whereupon the question was submitted, Will the court make the order? and determined in the negative. Ayes 7, noes 11.

The affirmative voters are,

Mr. President, Anderson, Greene, Holman, Jetton, Lytle, Wyly.

The negative voters are,

Mr. Andrews, Brabson, Bradford, Burford, Field, Frey, Gillespy, McIver, Murray, Perkins and Polk.

And so said motion was overruled.

The examination of Mr. Huntsman was resumed and concluded.

Mr. Andrew L. Martin, a witness on the part of the prosecution, being under examination; Mr. Dunlap one of the managers on the part of the House of Representative, asked the witness, Was not Judge Haskell's general negligence and inattention to the duties of his office in term time of such a character as to bring both him and the administration of the law in his circuit into disrepute among the people?" To which the counsel of the respondent objected.

The question was thereupon submitted, Will the court sustain the objection?" and determined in the affirmative—ayes 15, noes 3.

The affirmative voters are,

Mr. President, Anderson, Andrews, Brabson, Bradford, Field, Gillespy, Greene, Holman, Jetton, Lytle, Murray, Perkins, Polk and Wyly—15.

The negative voters are,

Mr. Burford, Frey and McIver—3.

And so said objection was sustained.

Joseph H. Talbot was introduced, examined on the part of the prosecution, and assigned over to defendant's counsel. At the conclusion of his cross examination, Mr. Claiborne asked the witness, "If the Judge had not been sent for in the day, and whether the argument of the cause had not commenced after night—alleging that the respondent's counsel, Mr. Miller, in his cross examination, had attempted to show a discrepency in the statement of the witness?" To which the respondent by his counsel objected.

Whereupon the question was submitted, Will the court sustain the objection? and determined in the negative—ayes 8, noes 10.

The affirmative voters are,

Mr. President, Anderson, Andrews, Bradford, Burford, Field, Holman and Jetton—8.

The negative voters are,

Mr. Brabson, Frey, Gillespy, Greene, Lytle, McIver, Murray, Perkins, Polk and Wyly—10.

Alexander B. Bradford was introduced, sworn and examined in support of the prosecution.

Robert Marshall, a witness on the part of the State, was introduced, sworn and examined.

The court then adjourned until tomorrow 10 o'clock, A. M.

A. McCLELLAN.

W. K. HILL, Clerk.

Mr. Gillespy's reasons for voting for a reconsideration of the decision of the court on yesterday.

"Mr. Claiborne one of the managers of the house of representatives, asked Andrew L. Martin, witness of the State, what was the habit of Judge Haskell in leaving the bench in the trial of causes. To the answering of which question the counsel for the defendant objected. I voted against sustaining the objection, because the respondent by his counsel, when Mr. Cave Johnson, one of the witnesses for the State, when on his cross examination was asked by the counsel for the defendant, whether as much business was not done in the circuit courts of Montgomery and Dickson as usual; for the purpose as I understand of raising a presumption in favor of the defendant, as to his general good official conduct. He selected the courts of Montgomery and Dickson counties to prove his general good conduct in the trial of causes, and thereby put his character in the trial of causes directly in issue, which I believe he had a right to do, but in so doing he opened the door to the State, to introduce any testimony as to defendant's conduct as judge in the trial of causes which the managers may believe calculated to rebut the presumption which defendants testimony may have raised in his favor, and in so doing the managers ought not to be confined to the same times or the same places that defendant selects to establish his general good conduct; nor would it be reasonable to suppose that to the times and places selected to establish a general good conduct the law would limit the testimony it allows to rebut that presumption; but that it is competent for the managers to prove the defendants general official conduct. I therefore now vote for a reconsideration of the vote given yesterday, as I believe the decision of the court upon that question erroneous."

MR. MURRAY'S PROTEST.

I believe it to be my duty, as well as my privilege secured by the constitution, to enter my protest against the order adopted by the court of impeachment on Thursd ay 1st inst. permitting the several members of said court, to enter their reasons at length upon, and making them part of the Journal of the Senate, and my reason's for voting against said order, are

1st. Because this course of proceeding is without a precedent in courts of impeachments, as far as I can ascertain, (save in the trial of Judge Williams at the last session of the Legislature of this State,) either in the United States or in England, and I be-

lieve it will be be injurious to the public and cannot produce any good effect.

2d. Suppose every member of the court to enter an opinion of, say fifteen pages, it would take a volume of 270 pages to contain these opinions alone; this addition to each copy of the Journals of the Senate, say, fifteen hundred copies, which I presume is not extravagant, and it will cost the State from seven hundred to one thousand dollars, to print these opinions, which in my opinion is wholly unnecessary. But it is insisted that it is a constituional privilege, the constitution says, that "any member of either house of the General Assembly, shall have liberty to dissent from, and protest against any act or resolve which he may think injurious to the public or any individual, and have the reasons of his dissent enterred on the Journals." I know of no case where any member ever yet protested against what he himself helped to do. What propriety can there be in any person voting in the majority, to enter a dissent or protest, yet in this case there is no distinction, all are permitted to enter their reasons, as well those voting in the majority, as those in the minority, and I suppose where there was an unanimous vote of acquital, reasons will be enterred under this construction of this clause of the constitution; if the privlege of protesting against any act or resolve, can be construed to extend to this case, it can with equal propriety be extended to any, and every vote that a member may give during the session, whether in the majority or minority, which to my mind is preposterous and absurd. I believe that to construe this clause of the constitution, to apply to any except those voting in the minority, is a forced and latitudinarian construction to which I cannot subscribe.

ROBERT MURRAY.

SATURDAY MORNING, NOVEMBER 12, 1831.

Court met according to adjournment.

The Hon'ble A. McClellan, President thereof in the chair, the respective members in their seats, the managers on the part of the House of Representatives and also the Respondent and his counsel being present.

The State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judicial circuit. } Im'ment.

Mr. Claiborne one of the managers on the part of the prosecution, stated to the court that the Sergeant at arms, had not returned, nor had the witnesses for whom he was sent, (to wit;) Judge Turley, Austin Miller, William Stoddart, Hugh W. Dunlap and

J. W. Cooke or either of them arrived, that the managers confidently expect the arrival of these witnesses by or before Monday next. That they have received the record from the county of Humphreys referred to in the 4th specification of the 1st article, but without General Cooke, Mr. Dunlap and Judge Turley, or some of them, they have not a witness to examine in relation to it, and therefore they ask the court to adjourn until Monday morning next.

This was objected to by Respondent's counsel and the question was thereupon had, will the court sustain the objection?" and determined in the negative. Ayes 4—noes 14.

The affirmative voters are,

Mr. Andrews, Holman and Lytle, 3.

The negative voters are,

Mr. President, Anderson, Brabson, Bradford, Burford, Field, Frey, Gillespy, Greene, Jetton, McIver, Murray, Perkins, Polk, Wyly, 15..

And so said objection was overruled.

Whereupon it was ordered that this court adjourn until Monday morning next, 10 o'clock.

A. McCLELLAN.

Wm. K. Hill, clerk.

MONDAY MORNING, NOVEMBER 14th, 1831.

Court met according to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

The State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judial circuit. } Impeach'nt.

Mr. Claiborne informed the court, that owing to the absence of witnesses who have been regularly summoned, and the failure of the clerk of the Madison circuit court, to furnish the records applied for, the managers were compelled to abandon the charges and specifications set forth in the 4th, 6th, 8th, 9th and 10th specifications of the first article, and the first specification of the 2nd articles.—And that therefore the testimony in chief on the part of the prosecution was closed.

Judge John Overton was introduced, sworn and examined on the part of the defence; in the course of whose examination, the witness was asked by Mr. Miller, one of respondent's counsel, "If he, when a Judge, ever left the bench while the business of the

court was going on, and if yea, what was his course of conduct on such occasions to the bar?" To the answering of which the managers objected.

And the question was thereupon submitted, "Will the court sustain the objection? and determined in the affirmative—ayes 11 noes 7.

The affirmative voters are,

Mr. Anderson, Andrews, Brabson, Burford, Field, Greene, Holman, Jetton, Murray, Polk and Wyly—11.

The negative voters are,

Mr. President, Bradford, Frey, Gillespy, Lytle, McIver and Perkins—7.

And so said objection was sustained.

The respondent's counsel, Mr. Miller, then asked witness What was the general practice of lawyers engaged in cases, when the Judge presiding left the bench during the progress of the trial of such causes? To the answering of which, the managers objected.

Mr. Anderson, as counsel for respondent, withdrew the foregoing interrogatory, and moved the court to reconsider the vote given and decision made in relation to the first question asked the witness.

And the question was thereupon had, Will the court reconsider? and determined in the negative—ayes 7, noes 11.

Mr. President, Bradford, Frey, Gillespy, Lytle, McIver and Perkins voting in the affirmative; and,

Mr. Anderson, Andrews, Brabson, Burford, Field, Greene, Holman, Jetton, Murray, Polk and Wyly—11, voting in the negative.

Mr. Miller, as counsel for respondent, then propounded the following questions to the witness, to wit:

"What has been the general practice of courts in which you have practised in regard to leaving the bench while a cause was on trial in and before said court—And what has been the general practice of counsel when Judges may have left the bench on the trial or argument of causes in this State." To the answering of which, the managers on the part of the prosecution objected.

And after argument being had, as well in support of as against the objection made, the question was submitted, Will the court sustain the objection? and determined in the affirmative—ayes 10, noes 8.

The affirmative voters are,

Mr, Anderson, Andrews, Brabson, Burford, Field, Greene, Holman, Murray, Polk and Wyly—10.

The negative voters are,

Mr. President, Bradford, Frey, Gillespy, Jetton, Lytle, McIver and Perkins—8. So said objection was sustained.

MR. HOLMAN.

Judge Jno. Overton was asked, by Mr. Miller, one of the respondent's counsel, if he, when a Judge, ever left the bench while the business of the court was going on; and if so, what was his course of conduct on such occasions to the bar?" To the answering of which, the managers objected.

I am of the opinion that this question is illegal and entirely irrelevant to the issue. This respondent stands charged with high misdemeanors and misbehaviour, particularly enumerated in specifications, to which he has responded, and I think the examination ought to be confided to the charges mentioned in the articles and specifications. It is not admissible for an individual who stands with a crime or misdemeanor, in order to extenuate his guilt, to prove by other individuals that they have committed the same crime or misdemeanor with impunity. Suppose that this witness should prove that he acted for a long time as Judge; and that during the time he acted as Judge, he not unfrequently left the bench while the business of the court was going on, without suspending the examination of witnesses in his absence—that he had no good reason for thus having left the bench, and for which he was not impeached, &c. This could not have the smallest influence on the determination of this trial.—Or suppose that in one of those specifications the respondent was charged with having obstinately and wilfully neglected and refused to hold one of his courts, without any lawful excuse, for one whole year—would it be admissible to prove that other Judges had done the same thing, and for which they were not impeached? If evidence of this kind were admissible, Judges could by their vices and misdemeanors establish a rule, which would forever shield them from the punishment due to their crimes.

But it is said that the practice and decisions of the Judges are declaratory of the common law; and the highest evidence of what the common law is.—This is true, so far as relates to those cases upon which they judicially act as Judges; but the rule does not extend to the commission of crimes, or the omission of their duty.

JAMES T. HOLMAN.

MR. GILLESPY'S

REASONS FOR HIS VOTE ON THE FOREGOING QUESTION.

The witness is asked, What has been the general practice of the courts in which he has practised in this State in regard to leaving the bench while a cause was on trial in and before said court, and what the general practice of counsel when Judges may have left the bench on the trial, or argument of causes, which is objected to by the managers.

The defendant stands charged before this court with a dere-

liction of his duty as Judge, in leaving the bench during the trial of causes. We have no express statute specifying the duty of a Judge on this particular point, but he must be governed in his practice either by the common law, the established practice and custom of the courts, or by some principle, that is inseparably connected with the nature and character of his office. We have been furnished with no rule of the common law to enlighten us upon this subject;—and as to the principle inseparably connected with the nature and character of the office, which should govern a Judge in the discharge of this branch of his official duty, I can fix upon no better rule to arrive at, and determine its extent, than that furnished by the general practice of the courts in similar situations. It is, or would be, a practical expression of a judicial opinion of what was considered the duty of a Judge in the discharge of this part of his functions.

If the Judges of our courts have, since the year 1789, when the witness has informed us he commenced the practice of law in this State, been in the practice of leaving the bench during the trial of causes, and the practice has been acquiesced in until now since the formation of our government, it certainly would deserve some consideration in the examination of the charges exhibited against the defendant; if for no other purpose, the testimony would be proper in extenuation of the offence charged, and in mitigation of the judgment that may be pronounced by the court, should the evidence warrant a conviction.

The court then adjourned until tomorrow morning 10 o'clock.

Wm. K. Hill, clerk. A. McCLELLAN.

TUESDAY MORNING, NOVEMBER 15th, 1831.

Court met according to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judicial circuit. } Impe't.

The managers on the part of the House of Representatives asked leave to introduce and examine in support of the prosecution, Mr. Austin Miller, who has now for the first time appeared in this court, he is offered as evidence to the 11th specification of the 1st article, and to show that he as a lawyer was referred to to decide a collateral question in consequence of the absence of Judge Haskell in the case of Thompson, vs. Sloan, in Hardin circuit court;

and further to show that upon the application for a new trial in that case, he was called on for his statement of the testimony to enable the Judge to determine the question.

The respondent by his counsel, Mr. Anderson, objected to the introduction of testimony in chief by the managers, on the ground of their having closed, and the respondent having on yesterday introduced his witnesses and commenced their examination.

And after argument had, as well in support of as against the objections made, the question was submitted, Will the court sustain the objection? and determined in the negative—ayes 8, noes 10.

The affirmative voters are,

Mr. President, Andrews, Brabson, Bradford, Holman, Jetton, Mclver and Marray, 8.

The negative voters are,

Mr. Anderson. Burford, Field, Frey, Gillespy, Greene, Lytle, Perkins, Polk, and Wyly, 10.

And so said objection was overruled.

Whereupon the witness was introduced, sworn, examined and discharged.

Mr. Bradford asked and obtained leave to spread the following upon the journal of the court, to wit:

Upon the application made by the managers to introduce and examine Austin Miller in support of the prosecution, I am of opinion that as the testimony on the part of the state was closed by managers, they have no right now, to go into the examination in in chief of any additional witnesses. Independent of its illegality (as I believe) if the privilege of permitting the managers to introduce and examine witnesses, after having closed the examination on their part is granted, the same right cannot be denied the respondent. And further, after the testimony is closed on both sides and argument commenced, this court may with the same propriety be asked to permit the introduction and testimony of other and new witnesses by either party, and in this way it is easy to perceive that this trial will be prolonged from time to time, to a vexatious length, and to the great detriment of public good.

T. F. BRADFORD.

Wm. Armour a witness on the part of the defence, was introduced sworn, examined and discharged.

Hezekiah Bradberry a witness on the part of the defendant was introduced, sworn and examined, in the progress of whose examination, the following question was propounded to the witness by Mr. Anderson one of the counsel for the respondent, to wit:

"What is the character and standing of Judge Haskell in your county, and the estimation in which he is held by the people generally as a Judge."

To which the managers objected on the ground that it is impro-

per that any thing should be said of the conduct or character of the Respondent since the exhibition of the articles of Impeachment: And after hearing argument as well in support of as against the objection, the question was submitted, "Will the court sustain the objection," and determined in the affirmative. Ayes 12, Noes 6. Mr. President, Brabson, Burford, Field, Frey, Greene, Holman, Lytle, Murray, Perkins, Polk and Wyly, voting in the affirmative, and Mr. Anderson, Andrews; Bradford, Gillespy, Jetton, and McIver voting in the negative—6. And so said objection was sustained.

The court then adjourned until tomorrow morning, 10 o'clock, on motion of Mr. Miller, one of respondent's counsel.

A. McCLELLAN.

WEDNESDAY MORNING, NOVEMBER 16th, 1831.

Court met according to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

The State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judicial circuit. } Impeachment.

Mr. Nicholas P. Perkins a witness on the part of the Respondent was introduced, sworn, examined and discharged.

Nicholas P. Perkins, Joel Walker, Herbert S. Kimble, Wm. H. Dortch, George W. Terrell and William R. Harris, were introduced, sworn and examined on the part of the defendant.

Mr. Gillespy moved the court to adjourn until the regular hour tomorrow. And the question was thereupon had, will the court adjourn, and determined in the negative.

Mr. Brabson, Gillespy, Holman, Lytle and Polk voting in the affirmative; and Mr. President, Anderson, Andrews, Bradford, Burford, Frey, Greene, Jetton, McIver, Murray, Perkins and Wyly in the negative.

Herndon Harrelson, Samuel P. Ashe, Blackman Coleman and Nicholas P. Perkins, were introduced sworn and examined on the part of the Respondent and discharged.

The court then adjourn until tomorrow morning 10 o'clock.

A. McCLELLAN, President.

Wm. K. Hill, clerk.

THURSDAY MORNING, NOVEMBER 17th, 1831.

Court met according to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judicial circuit.

Henry Nixon was introduced, sworn & examined in behalf of the defendant in the progress of whose examination, he was asked by respondent's counsel, if he was present, when a man called William Johnson, alias Putnam was tried and convicted for horse stealing in the county of Perry. To the answering of which the managers objected on the ground, that if such trial took place it is matter of record, and the record being the best evidence must be produced; and after hearing argument as well in support of, as against the objection, the question was submitted, will the court sustain the objection and determined in the negative. Ayes 3—Noes 15.

Mr. Burford, Gillespy and Lytle voting in the affirmative, and Mr. President, Andrews, Brabson, Anderson, Bradford, Field, Frey, Greene, Holman, Jetton, McIver, Murray, Perkins, Polk and Wyly, voting in the negative.

So said objection was overruled.

In the further progress of the examination, the witness was asked by Respondent's counsel, if Judge Haskell told him before the exhibition of the articles of impeachment, that Johnson who was tried and convicted for horse stealing at Clarksville, was the same man who was tried and convicted at Perry, and committed for trial by respondent. To which the managers objected on the ground that respondent's statement cannot be received as evidence for himself, and the question was thereupon submitted, will the court sustain the objection, and determined in the affirmative. Ayes 12—Noes 6.

Mr. President, Brabson, Burford, Field, Frey, Gillespy, Greene, Holman, Lytle, Murray, Polk and Wyly voting in the affirmative, and Mr Anderson, Andrews, Bradford, Jetton, McIver and Perkins voting in the negative.

James R. White a witness on the part of the respondent being under examination, and having stated that he went to Henderson county in the month of June 1830, and that Judge Haskell had not been there from the time of his impeachment. He was asked by Respondent's counsel the following question, what was the character and standing of Judge Haskell with the people of Henderson county, when he went there and which he had acquired be-

fore the preferring of the articles of impeachment, to the answering of which the managers objected, under a former decision of the court. The question was thereupon submitted, will the court sustain the objection, and determined in the negative. Ayes 4—Noes 14.

Mr. Holman, Lytle, Murray and Polk, voting in the affirmative; and,

Mr. President, Anderson, Andrews, Brabson, Bradford, Burford, Field, Frey, Gillespy, Greene, Jetton, McIver, Perkins and Wyly in the negative.

And so said objection was overruled.

Henry Nixon, John Reid, Jacob Tipton, Daniel A. Denham, Thomas H. Fletcher, Granville D. Searcy, David Dunn, Samuel R. Brown, John K. Balch, Joel L. Jones, Washington L. Hannum, Joseph Philips, Thomas J. Hardeman, Valentine D. Barry, Adam R. Alexender, Edward R. Belcher, Robert C. McAlpin, James C. Mitchell, Wm. White, Benjamin Wright, Robert Marshall, Micajah Bullock, Thomas Stewart, John Purdy, Jared S. Allen and William Carroll, were severally introduced, sworn and examined on the part of the respondent.

The court then adjourned until tomorrow morning 10 o'clock.

A. McCLELLAN, President.

WM. K. HILL, Clerk.

FRIDAY MORNING, NOVEMBER 18th, 1831.

Court met according to adjournment.

The honorable Abram McClellan, President thereof in the chair, the respective members in their seats, the managers on the part of the house of representatives, and also the Respondent and his counsel being present.

STATE OF TENNESSEE,
vs.
JOSHUA HASKELL, Judge of the 8th Judicial circuit, } Imp'chment.

John C. McLemore, Charles D. McLean, James Gray, R. E. C. Dougherty, Lewis H. Broyles and Josiah Hatley were introduced, sworn and examined on the part of the defendant.

Pleasant M. Miller, a witness on the part of the defendant, being under examination, he was asked by defendant's counsel, "If he had not spoken in moments of feeling and excitement, as intemperate of other Judges in the State, as of Judge Haskell?" To the answering of which, the managers objected.

And thereupon the question was submitted, Will the court sustain the objection, and determined in the negative, ayes 9, noes 9.

Mr. President, Brabson, Burford, Frey, Greene, Holman, Lytle, Murray and Polk, voting in the affirmative; and,

Mr. Anderson, Andrews, Bradford, Field, Gillespy, Jetton, c-Iver, Perkins and Wyly, voting in the negative.

Alfred Balch, James Collingsworth and William E. Anderson were introduced, sworn and examined on the part of the defendant; at the couclusion of which, Mr. Anderson informed the court that the testimony on the part of the Respondent was closed.

Adam Huntsman, James C. Mitchell, Joseph H. Tolbert and Wm. Stoddert, were introduced, sworn and examined in support of the prosecution; at the conclusion of which, the managers on the part of the House of Representatives, informed the court that they had closed their testimony.

Mr. Bradford, a member of the court, submitted the following:

Ordered, by the court, that but two counsel argue this cause on the part of the House of Representatives, and but two on the part of the respondent.

And thereupon the question was had, Will the court make the order? and determined in the negative—ayes 4, noes 14.

Mr. Bradford, Lytle, Perkins, and Wyly, voting in the affirmative; and,

Mr. President, Anderson, Andrews, Brabson, Burford, Field, Frey, Gillespy, Greene, Holman, Jetton, McIver, Murray and Polk, voting in the negative.

On motion of Mr. Murray,

With the consent of the parties, it was ordered by the court that two of the managers open the argument in this cause—be followed by two of Respondent's counsel—then two others, on the side of the prosecution, shall address the court, who shall be followed by the remaining two of Respondent's counsel, and the remaining manager shall close the argument.

On motion of Mr. Burford,

Ordered that this court adjourn until Monday morning next, 10 o'clock.

A. McCLELLAN, President.

MONDAY MORNING, NOVEMBER 21st, 1831.

Court met according to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats; the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

Mr. Bradford moved the court to make an order that this court meet regularly at half past eight o'clock in the morning, and that they hold night sessions during the argument of counsel.

Mr. Anderson moved a division of the question so as to test the sense of the Senate, on the first branch of the motion made by Mr. Bradford; which motion prevailed.

The question was thereupon submitted, Will the court hereafter meet regularly at half past eight o'clock in the morning? and determined in the affirmative—ayes 16, noes 2.

Mr. President, Anderson, Andrews, Bradford, Burford, Field, Frey, Greene, Holman, Jetton, Lytle, McIver, Murray, Perkins, Polk and Wyly, voting in the affirmative; and,

Mr. Brabson and Mr. Gillespy voting in the negative.

Whereupon it was ordered that this court meet regularly at half past 8 o'clock, A. M. during its session.

The question then recurred upon the second proposition contained in Mr. Bradford's motion,

And thereupon the same being had, Will the court hold night sessions during the argument of counsel, it was determined in the negative—ayes 9, noes 9.

Mr President, Andrews, Bradford, Burford, Jetton, Lytle, McIver, Murray and Wyly, voting in the affirmative; and,

Mr. Anderson, Brabson, Field, Frey, Gillespy, Greene, Holman, Perkins and Polk, voting in the negative.

And so said motion was overruled.

Mr. Field offered as the reason of his voting in the negative, that the court have the right and power to adjourn and meet upon such adjournment without any order upon the subject.

The court having received an invitation from the House of Representatives, to occupy their *H*all during the argument of counsel in this cause,

Mr. Greene moved the court to make an order that the invitation be accepted, and that the court now adjourn to the hall of the House of Representatives, by and with the consent of the managers, and the counsel for the respondent.

And thereupon the question was submitted, Will the court accept the invitation and make the order? and determined in the affirmative—ayes 14, noes 4.

Mr. President, Anderson, Andrews, Burford, Field, Frey, Gillespy, Greene, Holman, Jetton, McIver, Perkins, Polk and Wyly, voting in the affirmative; and,

Mr. Brabson, Bradford, Lytle and Murray, voting in the negative.

Whereupon, the consent of the parties being thereto given, the President and gentlemen of the court repaired to the Hall of the House of Representatives.

The State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judial circuit } Impeach'nt.

Mr. Allen, one of the honorable managers on the part of the House of Representatives, opened the argument in support of the prosecution, who was followed by Mr. Dunlap, another of the onorable managers, who, not having concluded, it was ordered by the court that the further argument of this cause be suspended, and that this court adjourn until half after eight o'clock, tomorrow morning.

A. McCLELLAN, President.

TUESDAY MORNING, NOVEMBER 22nd, 1831.

Court met according to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judicial circuit. } Impeachm'nt

The argument in support of the prosecution was contiuued by Mr. Dunlap, who was followed by Mr. Miller, on the part of the defendant, who having closed his argument, it was ordered that the further argument of this cause be suspended, and that this court adjourn until half after eight o'clock tomorrow morning.

A. McCLELLAN, President.

WEDNESDAY MORNING, NOVEMBER 23rd, 1831.

Court met according to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

The State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judicial circuit. } Im'ment.

The argument in support of the answer and pleas of the respondent, to the articles and specifications preferred against him

by the House of Representatives, was returned by Mr. Balch, who was followed by Mr. Inge, in support of the prosecution, and who having concluded, it was ordered that the further argument in this cause be suspended, and that this court adjourn until tomorrow morning, 9 o'clock.

A. McCLELLAN, President.

THURSDAY MORNING, NOVEMBER 24th, 1831.

Court met according to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

The State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judicial circuit. } Impeachment.

The argument in support of the prosecution was continued by Mr. Turney, who was followed by Mr. Fletcher on the part of the defendant, who not having concluded at 5 o'clock, P. M. it was ordered that the further argument in this cause be suspended and that the court adjourn until tomorrow morning 9 o'clock.

A. McCLELLAN, President.

FRIDAY MORNING, NOVEMBER 25th, 1831.

Court met pursuant to adjournment.

The Hon'ble Abram McClellan, President thereof in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present,

The State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judicial circuit, } Impeach'nt.

Mr. Fletcher having resumed and concluded his argument on the part of the defendant, was followed by Mr. Anderson, another of respondent's counsel, who not having closed, it was ordered that the court adjourn until tomorrow morning, 9 o'clock.

A. McCLELLAN, President.

SATURDAY MORNING, NOVEMBER 26, 1831.

Court met pursuant to adjournment.

The Hon'ble A. McClellan, President thereof in the chair, the respective members in their seats, the managers on the part of the House of Representatives and also the Respondent and his counsel being present.

The State of Tennessee,
vs. } Im'ment.
Joshua Haskell, Judge of the 8th Judicial circuit.

Mr. Anderson having resumed and concluded his argument on the part of the defendant, at 11 o'clock A. M.

Mr. Bradford moved that the court adjourn until Monday morning, 9 o'clock.

And the question being submitted, it was determined in the affirmative, yeas 13, nays 5.

Those who voted in the affirmative are,

Mr. President, Anderson, Andrews, Brabson, Bradford, Frey, Gillespy, Greene, Jetton, McIver, Perkins, Polk and Wyly.

The negative voters are,

Mr. Bunford, Field, Holman, Lytle and Murray.

Whereupon it was ordered that the further argument in this cause be suspended, and that the court adjourn until Monday morning 9 o'clock.

A. McCLELLAN, President.

MONDAY MORNING, NOVEMBER 28th, 1831.

Court met according to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

The State of Tennessee,
vs. } Im'ment.
Joshua Haskell, Judge of the 8th Judicial circuit,

The argument in support of the charges and specifications preferred by the House of Representatives against the respondent, having been concluded by Mr. Claiborne, it was, on motion of Mr. Wyly,

Ordered that this court adjourn until Wednesday evening next, 2 o'clock.

A. McCLELLAN, President.

Wm. K. Hill, Clerk.

Mr. Anderson, of Knox.

I move that in taking the vote of guilty or innocent, the President shall propound the question as follows: Is the defendant guilty of the charges contained in the first article.

WEDNESDAY, NOVEMBER 30th, 2 o'clock.

Court met according to adjournment.

The Honorable Abram McClellan, president thereof, in the chair, the respective members in their seats, the managers on the part of the House of Representatives, and also the respondent and his counsel being present.

State of Tennessee.
vs.
Joshua Haskell, Judge of the 8th Judicial circuit } Impeachment.

The argument as well in support of the articles and specifications preferred by the House of Representatives as of the answer and pleas of the respondent thereto having been concluded,

Mr. Burford moved the court that the question be taken upon the guilt or innocence of the respondent on each specification separately, in support of which proof had been adduced, commencing with the first specification of the first article, and so on throughout the whole in the order in which they stand charged; after which, to take the sense of the court on the articles as charged.

Mr. Anderson, one of defendant's counsel, moved the court to propound the following in lieu of the preceding proposition, to wit:

"Is the said Joshua Haskell guilty of the misbehaviour and misdemeanors, as charged against him in the 1st article and 1st specification?" which latter motion prevailed—ayes 10, noes 8.

Mr. President, Andrews, Bradford, Gillespy, Holman, Jetton, McIver, Murray, Perkins and Wyly, voting in the affirmative; and,

Mr. Anderson, Brabson, Burford, Field, Frey, Greene, Lytle and Polk, voting in the negative.

Whereupon the said 1st article and specification under it were read.

And thereupon the question was propounded by the President, "Is the respondent guilty of the misbehaviour and misdemeanors as charged in the 1st specification of the 1st article?" and determined in the negative—ayes 9, noes 9.

Mr. President, Anderson, Brabson, Burford, Field, Frey, Greene, Holman and Polk voting in the affirmative; and,

Mr. Andrews, Bradford, Gillespy, Jetton, Lytle, McIver, Murray, Perkins and Wyly, voting in the negative.

The second specification of the same article was then read, and the president propounded the following:

"Is the respondent guilty of the misbehaviour and misdemeanors as charged in the said 2nd specification of the 1st article?" and determined in the negative—ayes 9, noes 9.

Mr. President, Anderson, Brabson, Burford, Field, Frey, Greene, Holman and Polk, voting in the affirmative, and,

Mr. Andrews, Bradford, Gillespy, Jetton, Lytle, McIver, Murray, Perkins and Wyly, voting in the negative.

The third specification of the same article was next read.

And thereupon the question was submitted, "Is the respondent guilty in manner and form as charged in the third specification?" and determined in the negative— ayes 8, noes 10.

Mr. President, Anderson, Burford, Field, Frey, Greene, Holman and Polk, voting in the affirmative; and,

Mr. Andrews, Brabson, Bradford, Gillespy, Jetton, Lytle, McIver, Murray, Perkins and Wyly, voting in the negative.

The 5th specification was then read, and thereupon the question was submitted, Is the respondent guilty of the misbehavour and misdemeanors as charged in the said 5th specification, and determined in the negative. Ayes 9—Noes 9.

Mr. President, Anderson, Brabson, Burford, Field, Frey, Greene Holman and Polk voting in the affirmative. And Mr. Andrews, Bradford, Gillespy, Jetton, Lytle, McIver, Murray, Perkins and Wyly voting the negative.

The 7th specification of the said 1st article was next read, and the question thereupon being had, Is the respondent guilty of the misbehaviour and misdemeanors in manner and form as charged in the 7th specification, and determined unanimously in the negative.

The 11th specification of the same article was then read, and the question was thereupon submitted, Is the Respondent guilty in manner and form as charged in said 11th specification, and determined in the negative. Ayes9—Noes 9.

Mr. President, Anderson, Brabson, Burford, Field, Frey, Greene, Holman, and Polk voting in the affirmative, and Mr. Andrews, Bradford, Gillespy, Jetton, Lytle, McIver, Murray, Perkins and Wyly voting in the negative.

The 2d specification of the 2d article was next read, and the question thereupon being had, Is the Respondent guilty of the misbehaviour and misdemeanors, as in and by said 2d article and 2d specification he is charged, it was determined unanimously in

the negative. The other specifications charged in the articles of impeachment having been heretofore abandoned by the managers on the part of house of Representatives; and there not being a constitutional majority voting the guilt of the respondent, Joshua Haskell upon any one of the specifications charged, it was

Ordered, by the court, that he be discharged and permitted to depart hence without day, and that the court adjourn until tomorrow morning 10 o'clock.

A. McCLELLAN, President.

WM. K. HILL, Clerk.

THURSDAY MORNING, DECEMBER 1st, 1831.

Court met according to adjournment.

The President and gentlemen members thereof being present.

Mr. Gillespy moved the court to make an order, that any member wishing to enter upon the Journal of the court his reasons for any vote given by him on the trial of the Respondent, Joshua Haskell be permitted to do so at any time after the adjournment of the court and previously to the adjournment of the present session of the General Assembly.

Mr. Murray moved the court to make the following order in lieu of the one proposed by Mr. Gillespy, to wit:

Ordered, by the court that it is inexpedient to spread the opinions of the members of this court on the Journals thereof on account of the enormous expense that will necessarily accrue in publishing the same. Therefore

Ordered, That the entering of the same upon the Journals of the court be dispensed with.

Mr. Bradford moved that the following be added to said order, to wit:

"But that the same may be filed with the records of the court in the office of the Secretary of State, and thereupon the question was submitted, will the court make the last mentioned order, and determined in the negative. Ayes 4—Noes 14.

Mr. Holman, Murray, Perkins, and Wyly—4, voting in the affimative; and,

Mr. President, Anderson, Andrews, Brabson, Bradford, Burford, Field, Frey, Gillespy, Greene, Jetton, Lytle, McIver, and Polk—14, in the negative.

The question then recurred upon the proposition submitted by Mr. Gillespy, and thereupon the question was had, will the court make the order, and determined in the affirmative. Ayes 15—Noes 3.

Mr. President, Andrews, Anderson, Brabson, Bradford, Bur-

ford, Field, Frey, Gillespy, Greene, Jetton, Lytle, McIver, Perkins, and Polk voting in the affirmative.

Mr. Holman, Murray, and Wyly—3, voting in the negative.

On motion of Mr. Gillespy.

Ordered, that this court be dissolved, and that the same be adjourned without day.

A. McCLELLAN, President.

Test;
WM. K. HILL, Clerk.

Witnesses who proved their attendance on committee of enquiry at the last session.

Adam Huntsman	1 day		
Robert Marshall	4 days,	250 miles,	$18 00
Nicholas P. Perkins	15 "	36 miles.	

State Witnesses,

Gave Johnson proved 6 days attendance and 90 miles travelling,	$15 60, issued.
Nathaniel H. Allen 2 days, 100 miles	8 00, issued.
Joseph H. Talbot 19 days, 300 miles, issued,	
Joseph Hise, 17 days, 94 miles, issued.	
Leonard P. Cheatham.	
Samuel Sebastian, 2 days, 108 miles,	8 32, issued.
Gabriel Fowlks, 2 days, 106,	8 24, issued.
Andrew L. Martin 11 days, 300,	34 00, issued.
Henry Nixon, 1 day, 108,	6 32, issued.
Alexander B. Bradford, 17 days, 300, issued.	
Adam Huntsman, 16 days, 300 miles,	44 00, issued.
Robert Marshall, 15 days, 250 miles, issued.	
Austin Miller, 1 day, 344 miles,	15, 76, issued.
Benjamin Wright, 280 miles, 4 days attendance,	issued.
Nicholas P Perkins, 40 miles, 4 days,	issued, recalled.

REBUTTING.

Adam Huntsman,	
James C. Mitchell, 2 days, 35 miles.	
Joseph H. Tolbot,	
Wm. Stoddert, 4 days, 300 issued.	
Joel H. Dyer, 19 days, 300 issued to self,	

Defendant's Witnesses,

Andrew Hays, proved, 12 days attendance, issued to self.	
Austin Miller,	
Wm. Armour, 17 days, 300 miles,	
Hezekiah Bradberry, 17 days, 250 miles, issued to Barry.	
Nich. P. Perkins, 17 days, 36 miles,	issued.
Joel Walker, 12 days, 25 miles,	issued.

Herbert S. Kimble.
Wm. H. Dortch.
George W. Terrell. 20 days, 210 miles.
William R. Harris, 17 days 210 miles.
Herndon Harrelson 2 days, 180 miles.
Samuel P. Ashe, 16 days, 380 miles, issued to himself.
Blackman Coleman, 5 days, 350 miles.
Nicholas T. Perkins, 17 days, 360 miles.
Henry Nixon 4 days, issued.
John Ried 15 days, 300 miles, issued to self.
Jacob Tipton 17 days, 400 miles, issued.
Daniel A. Denham, 16 days, 400 miles, issued.
Thomas H. Fletcher,
Granville D. Searcy, 17 days.
John Bullock, 2 days, 108 miles.
David Dunn, 17 days, 480, issued to Barry.
Samuel R. Brown, 17 days, 460 miles, issued to Barry.
John K. Balch, 11 days, 240 miles, issued to Barry.
Joel L. Jones, 18 days, 200 miles, issued to Barry.
Washington L. Hannum, 200 miles, 18 days
Joseph Philips 13 days, issued.
Thomas J. Hardeman, 18 days, 360 miles, issued to Barry.
Valentine D. Barry, 19 days, 360 miles, issued.
Adam R. Alexander, 11 days, 180 miles, issued V. D. Barry.
Edward R. Belcher 19 days, 360 miles, issued to V. D. Barry.
Robert C. McAlpin, 13 days, 480 miles, issued to self.
James C. Mitchell.
William White, 17 days issued to self.
Benjamin Wright 19 days, 280 miles.
Robert Marshall.
Micajah Bullock, 16 days, 250 miles.
James R. White, 15 days, 250 miles, issued.
Thomas Stewart.
John Purdy, 8 days, 138 miles, issued.
Jared S. Allen, 15 days, 200 miles.
Wm. Carroll.
Daniel Cherry 15 days, 172 miles.
John C. McLemore.
Charles D. McLean.
James Gray.
R. E. C. Doherty 19 days, 240 miles, issued to V. D. Barry.
Lewis H. Broyles 1 day, 230 miles, issued.
Josiah Hatley,
Pleasant M. Miller, 19 days, 280 miles, issued.
Alfred Balch.
James Collingsworth.
Wm. E. Anderson.
Robert Watt, 1 day, 230 miles, issued.

OPINIONS.

OPINION OF JOHN F. GILLESPY & JAS. W. WYLY,

IN THE CASE OF

The State of Tennessee,
vs.
Joshua Haskell, Judge of the 8th Judicial circuit. } Impeach't.

In this case, articles of Impeachment were prefered by the house of representatives of the last General Assembly before the Senate of the State of Tennessee then sitting as a court of Impeachment against the respondent, charging him, in the first article, of *negligently*, and *illegally omitting, failing and refusing*, in the courts holden by him, to *hear, attend to and superintend* the testimony of witnesses, and the argument of counsel in the trial of causes; and that he *negligently and illegally* absented himself from the court house and left the Jury, Counsel and witnesses to proceed without his presence.

Under this article there are 11 specifications, charging the several times, places, and cases in which the Judge is alleged to have been guilty of *negligent and illegal* conduct as contained in the general charge of the first article.

The second article of impeachment charges the respondent with failing and refusing *to have and hear the minutes* of the courts in which he presided, read in open court, and with signing the records without having them *read* or *knowing* whether they were *true* or *false*. Under this article there are two specifications, one charges respondent with such a delinquency as is alleged in the article, at September Term of the Circuit Court of Hickman County 1828. The other specification has been abandoned by the Managers.

To the foregoing articles of impeachm and the several specifications under them, the respondent, protesting that there is no misdemeanor particularly charged against him therein, answers by plea and says he is not guilty of any misdemeanor, or misbehaviour as alleged in said articles and specifications, and prays that the same may be inquired of by the court; and upon this plea the House of Representatives by their managers joined issue.

After issue was joined in this case, there was introduced in the House of Representatives of the last General Assembly, on the 25th December 1829 (see Journals of the House of Representatives for 1829, page 641) a preamble and resolution, to instruct their managers to ask leave of the Senate to continue over the trial of this cause until the next session of the General Assembly, declaring

therein, among others, as a cause of continuance, that no *dishonesty* or *corruption* was imputed to the respondent in the charge against him. The resolution to ask leave of the Senate to continue over the case, was, on a subsequent day of the session, adopted; and a continuance moved by the managers until the next session of the General Assembly, which was granted by the Senate then sitting as a court of Impeachment, with the consent of the respondent.

At the present session of the Legislature, the Senate have again been organized into a court of impeachment for the trial of the same cause, upon the articles of impeachment preferred at the last session.

The first question arising in this case made by Respondent's Counsel is, whether the present Senate sitting as a court of impeachment after a dissolution, under the operation of the constitution, of the former General Assembly, are competent to try the cause, and whether the same has abated. Under the constitution of the State, the General Assembly consisting of the Senate and House of Representatives is a component part, and constituent member of the machinery of our government, and not being dependent for its identity upon the particular individuals who may compose its number, or the length of time they may be in office to preserve its existence, but upon its peculiar organization under the constitution, whereby the expiration of one term is but the commencement of another, and not thereby ceasing to exist, it may be said to be always *in esse*, and for all legal and constitutional purposes, according to the view we have of the subject, may very properly be considered the same General Assembly, although a term may have expired.

The same question was made before the House of Lords in Great Britain, in the trial of Warren Hastings under articles of impeachment preferred against him. Pending that trial the Parliament was dissolved by order of the King. The prosecution hung up for some six or eiget years. It was insisted by the defendant's counsel in that case, that the dissolutiou of the Parliament had abated the cause, and that a new Parliament was incompetent to try him. The House of Lords, after mature deliberation, determined, that a dissolution of the Parliament and the election of new members did not abate the cause, but proceeded to hear and determine the same—*vide* the trial of Warren Hastings, Burke's Works 7 vol. page——we are, from the best consideration we have been able to give this question, decidedly of opinion, that the present Senate sitting as a Court of Impeachment are competent to try the cause before us.

This brings us next to an examination and consideration of the testimony introduced in support of the articles of impeachment.

The 4th 6th 8th 9th and 10th specifications of the 1st article and the 1st specification of the 2nd article have been abandoned by the managers.

In support of the 1st specification of the 1st article it is, substantially, proved by witnesses Huntsman, Martin and Talbot, that during the trial of William Walden for murder, at the April term 1828 of Henderson Circuit Court, the Judge was absent from the bench for the space of half an hour, and at one time was seen seventy or eighty yards from the court house, looking at some horses; but whether it was during the examination of witnesses in chief, or the argument of counsel, the witnesses are unable to say, but thought the charge of the Judge to the Jury was a good one, and that neither the State nor defendant suffered any *injury*.

On the 2d specification of the 1st article it is proved, by witnesses Johnson and Hise, that during the trial of Andrew Johnston upon an indictment for horse stealing at August Term of Montgomery Circuit court, 1828 the Judge was absent from the bench about 9 or 10 o'clock at night, during the argument of counsel, for about the space of half an hour—at one time he was seen behind the bar—at another out of the court house—that the weather was extremely warm, and the trial had continued fourteen hours—that the Judge charged the law correctly—and that *no injury* was suffered either by the State or the defendant.

In support of the third specification of the 1st article, it is proved by witnesses Sebastian, Foulks & Nixon, that, during the trial of George W. Garrett, on an indictment for perjury, at the September term 1828, of Hickman Circuit Court, the Judge was absent from the bench twice—at one time, when a witness was under examination, about ten minutes, but the witnesses are not certain whether it was an examination in chief, or the witness had been called back, nor whether the testimony was material to the cause; nor do they know whether the Judge was out of the court house: At another time the Judge was absent from the bench, during the argument of counsel for some time. Witnesses all thought the prosecution was frivolous, and that *no injury* was suffered by any delinquency of the Judge.

In support of the 5th specification of the 1st article, it is proved, by witnesses Johnson, Allen and Cheatham, that the Judge, during the trial of Ausemus S. Merrett, on an indictment for negro stealing, at Sept. term 1828 of Dickson circuit court, was absent from the bench from one half, to near an hour; but they do not agree as to the precise length of time he was absent—that he was seventy or eighty yards from the court house; one witness thinks that it was during the examination of a witness—the other, that it was while the jury was impannelling, but all concur in saying that the Judge charged the law, and that no *injury* was suffered by the State or defendant.

In support of the 7th specification of the 1st article, it is proved by witnesses Martin, Huntsman and others, that during the trial of John Newbold upon an indictment for murder, at February term, 1828, of the Circuit Court of Madison county, the Judge left the bench for a short time, and was out of the court house near the close of the argument of counsel. It is proved that no injury was done to the State or defendant; and that the Judge had, by the despatch of public business, acquitted himself well at that term, and done himself much credit on that trial—that he read his charge to the jury, prepared in writing. Witness Armour, who was a juror on that case, had not noticed the Judge's absence from the beach, but thought he had been remarkably attentive during the trial.

In support of the 11th specification of the 1st article, it is proved by witnesses Nixon and Miller and perhaps others, that in the case of Thompson *vs.* Sloane, at the May Term 1829 of Hardin Circuit Court, the Judge left the bench near the commencement of the examination of the witnesses, and remained off the bench until the argument of counsel was closed. Witness Miller recollects to have seen the Judge in the court house at the back of the bar during the trial. The cause was an appeal from a Justice of the Peace, and the matter in controversy about twelve dollars. Witness Nixon proved, that the Judge charged the jury from the end of the bar—that the charge was a good one, and better than he thought a Judge could give without hearing the testimony—supposed the Judge had been about the door of the court house;—that the house in which the court was held was a very uncomfortable one—occupied by hogs in the recess of the court, and infested with fleas.

In support of the second specification of the 2d article, Doctor Sebastian has been examined, who cannot tell whether the minutes were read or not, except the last judgment, which he recollects was read.

The witnesses, so far as we recollect, all concur in saying that the Judge regularly attended and held the courts over which he was required by law to preside:—Think he impartially administered the law in the causes tried before him:—That he disposed of the suits upon the dockets of his courts with much despatch:—That there was no complaint against him among the suitors in his courts; but that his decisions and conduct in the trial of their causes, had given general satisfaction to the parties litigant.

In relation to the private as well as official character of the respondent, a numerous train of witnesses of the most respectable men in the State have been called upon to give evidence, who concur in representing the respondent from the time he became a citizen of the State in the year 1811, as being in private life, in all the social relations, humane, kind, generous and hospitable, and in

the language of one of the witnesses, (Gov. Carrol) "possessing some of the finest feelings of the human heart"—that his character for honesty and integrity has always been unsuspected and unblemished:—That in the late war, he distinguished himself for his intrepidity and gallantry as a soldier:—That as a lawyer, he had been attentive to the business entrusted to his care, and had been successful in his profession:—That, as a Judge, he was extremely popular with the great body of the citizens of his Circuit, who were well pleased with his administration of the law among them: That in all his official acts, they believed him to have been governed by the strictest impartiality and integrity; and that the citizens of his circuit were generally most warmly opposed to his removal from office.

From the foregoing statement of the case, and the evidence adduced, the main question arising for the determination of the court, and in fact the only one which we conceive to be involved in the cause, is whether the proof (which we believe to have been satisfactorily made) of short intervals of absence from the bench by the respondent, during the trial, in the courts in which he presided, of the causes mentioned in the 1st, 2d, 3d, 7th and 11th specifications of the first article of impeachment; in some instances during the examination of witnesses, and at other times during the argument of counsel, without any evidence of *evil* or *wicked intent*, or of any *injury* suffered by any of the parties litigant, constitutes such misbehaviour in office as amounts to a *misdemeanor* under the constitution of the State. The 4th section of the 4th article of the constitution declares, "that the Governor and all civil officers under the State shall be liable to impeachment for *any misdemeanor* in office." The 2d section of the 5th article declares "That the Judges of the several courts" &c. shall hold their offices during *good behaviour*.

To constitute a misdemeanor under the constitution it is not nesary, according to the view we have of the subject, that the misbehaviour of the Judge shall be such an offence as would subject him to indictment at common law, as has been very plausibly urged by defendant's counsel.

A Judge might fail to attend some of his courts altogether, without any reasonable excuse—yet he could not be indicted at common law. He might refuse to render judgments upon causes tried before him—yet he could not be indicted at the common law. He might, without any legal excuse, refuse to permit the causes of parties in his courts to be tried before him—yet he could not be indicted at common law. He might fail and refuse to sign the records of his courts—yet not be subject to indictment. He might pronounce judgment without permitting the parties to be heard, by themselves or counsel—yet for this, and many other acts, which might be enumerated equally flagrant, he could not be indicted at

the common law. But in these cases there would be such a total dereliction of official duty—such a wanton prostitution of judicial authority; and such a palpable violation of express law, as would at once constitute satisfactory evidence of such *guilt*—of such *evil* or *wicked intent*—as would warrant under the constitution an impeachment and removal from office; Vide 7. Dane's Abri. 365. Art. 8. When a Judge enters upon the discharge of the important duties assigned him by the constitution and laws of the country, he takes an oath that he will, among other things, "administer justice, without respect to persons, doing equal right to the poor and to the rich, and that he will faithfully discharge the duties incumbent on him as Judge." Whenever a Judge *wilfully* does an act grossly inconsistent with a faithful discharge of the duties of his office, as prescribed and defined by the constitution and laws of the land, although in such case he might not be indictable at law, yet in a moral point of view he would be guilty of perjury, and his conduct would constitute such misbehaviour, as, we entertain no doubt, was designed by the framers of the constitution should be regarded as a misdemeanor in office, for which he might be removed.

We hold the correct rule to be, that where the act of the judge is of itself evidence of corruption, or, as it is technically termed, *malum in se*, or is in violation of express law, either in omitting something enjoined, or in doing something prohibited, from which an evil or corrupt intent may be implied; or where the act, although not in violation of any positive rule of municipal law, is proved to have been accompanied by a *wicked* purpose of heart, to occasion *injury* either to the public or to private individuals, or is such a *wilful* neglect of duty, that the public or that private individuals are damaged thereby, in all such cases it would be a misdemeanor or misbehaviour in office by the Judge, and subject him to impeachment under the constitution. But where the act of the Judge is not immoral or corrupt it itself—where it is in violation of no known and positive rule of municipal law, and is not proved to have been accompanied by any wicked purpose of heart whatever, and more especially, if it be proved that no *damage* or *injury* attended it, we believe it would not constitute such misbehaviour in a Judge as would subject him to impeachment for a misdemeanor in office. The principle we have here laid down we have not found controverted, and we believe it to be clearly sustained by all the authorities which we have been enabled to examine. *Vide* 4. Blackston's Com. 5–6–20; 1. Kent. Com. 276; 4 Burrow 2004–2005–2007; 2. Lord Raym. 1237; 3. Dane. Abri. 6. sec. 3, 4, 6; 7, 1. Modern Rep. 248; 2. Hawkins P. C. chapt. 1. sect. 17; 1. Mod. Rep. 184–5; 2 Mod. Rep. 220, 221; Cooke Rep. 181; 1. Kent 278; 9 John. Rep. 435; In Dal. 334 the doctrine is assumed, that corruption, such as bribery and *wilful*

infractions of the law, are the only causes of impeachment, It is however admitted, that in some *flagitious* cases, the law may infer corruption, where the Judge acts *without* the sphere of his office; but the offence must be proved.

The above authorities, we think, clearly establish the position assumed, that the conduct of a Judge for which he would forfeit his office, and be liable to impeachment must be *corrupt* in itself, or in violation of *express* law, from which corruption may be implied; or, must be attended by a *wicked* design to do a public or private injury; and, that the negligence of a Judge, which would constitute a misdemeanor in office must be a *wilful* neglect of duty from which *public* or *private* damage is sustained.—This brings us to the examination of an authority which has been repeatedly read to the court, and has been much relied upon by the Managers in this prosecution. Lord Coke, in his commentary on Littleton assumes the principle, that "*non user* of itself without some special damage is no forfeiture of private office; but *non user* of public offices, which concern the administration of justice, or the commonwealth is of itself a cause of forfeiture." Vide Coke on Lit. 233.

This authority we do not consider to have any direct bearing upon the case before us. The doctrine as advanced by Lord Coke is in relation to the non user of an office concerning the administration of justice, whereas the charges before us are not for a *non user*, but rather an *abuser* of office, for not discharging the duties thereof correctly. But, even this opinion of Lord Coke, has been declared to be incorrect by more recent authorities.

Sergeant Hawkins, in his treaties upon offences against public justice, says "some have gone so far, as to hold, that an office concerning the administration of justice, or the commonwealth shall be forfeited for a bare *non user*, whether any special damage be occasioned thereby, or not; but this opinion doth not appear to be warranted by any resolution in point, and the authorities which are cited to maintain it, do not come up to it." The same authority also advances the principle, that an officer forfeits his office for "neglecting to attend to his duty at all usual, proper and convenient times, and places, whereby any *damage* shall accrue to those by, or for whom he was made an officer," vide Hawk P. C. 412. The *damage* in cases of negligence by a public officer is considered by this learned jurist, as an essential ingredient in the offence. And of the same opinion is Lord Mansfield, who upon this point, says, the law is well laid down by Sergeant Hawkins, vide 4th Burrow, 2004, 1 Chit. Cr. L. 510, 4 Black. Com 5, 6 & 20. Conference Rep. N. C. 52. Hawkins' Pleas of Cr. 310. Having laid down the general principles of law, so far, as we consider them involved in the present investigation, we will proceed to examine the case before the court as

the proof has presented it. It has been proved that, the defendant attended at the regular times and places to hold the courts over which he was required, by law, to preside. It is, also proved, that the business of his courts was done with much despatch; that it was believed his decisions as a Judge were correct; that, altho' it is clearly proved, that during the trial of the causes charged in the 1st, 2d, 3d, 7th and 11th specifications of the 1st art. of Impeachment, the Judge was absent for short intervals from the bench while the trials progressed; yet, it is also proved, no public or private *injury* was sustained; that it was believed by all the witnesses who were present, that there was no *corruption*—no *wicked* or *evil* intent, which had influenced the conduct of the Judge; that the parties to the suits were content; and, that, in the administration of the law in his circuit, he had given general satisfaction to all, except the lawyers, who, thought that his conduct in leaving the bench during the progress of trials, was uncourteous to them and in violation of his duty as a Judge, and was calculated to bring the administration of the law into contempt. The managers have relied mainly on the ground, that the conduct of the Judge was a violation of his duty, and therefore a misdemeanor in office. This raises the question, which of the duties of the Judge it violated? It is not pretended, that the conduct of the Judge was corrupt in itself; that it was attended by any *wicked* intent to do injury, or that any damage was sustained; and we know of no express rule of law, that inhibits a Judge from stepping down from the bench, for a short time, during the progress of a trial, if no injury public or private is sustained thereby. And, if we undertake to raise the duty by implication, it ought to be clearly shown that a correct and impartial administration of the law required its enforcement. But, when it is satisfactorily proved, as in this case, that right and justice were promptly administered, and that no injury was *suffered*, all implied, as well as express duties, a violation of which would be an impeachable offence, we consider to have been performed. But, it has been insisted that the Judge has taken an oath, *faithfully* to discharge the *duties* of his office, &c. and that his conduct was in violation of his oath in not faithfully discharging his duty. The oath requires nothing more than the discharge of *duty* faithfully; and, again involves the inquiry, what rule of the moral or municipal law has been violated? It may be proper to inquire, was the Judge's presence on the bench at the several times he is proved to have been absent, necessary? That no public or private injury was suffered, raises a presumption, that his presence was not necessary, and the presumption is greatly fortified by the consideration, that the lawyers, to whom the parties litigant had intrusted the care and management of their suits, and who were conducting the trials, are also sworn officers of the law; are bound to demean themselves honestly in the practice

thereof, and sustain a very important, and responsible relation to their clients.—They, we feel bound to presume, as the law does in favor of all officers, until the contrary is shown, did not violate *their* duty, by proceeding in the trial of the causes of their clients, in the absence of the Judge from the bench, if his presence were essential or necessary. But, it is said, that the conduct of the Judge was calculated to bring the administration of the law into contempt, and is, therefore, such misbehaviour in office, as constitutes an impeachable offence under the constitution. We regard such conduct on the part of the Judge as highly imprudent and reprehensible, and such as should be most indignantly reprobated by the community, and its tendency, most probably, may have been, as has been urged by the managers; but however good this argument might be before this house, sitting in another capacity, in support of legislative interposition to provide a remedy by law to correct the evil complained of, yet as it is not in violation of any positive rule of any known law, prescribing the duty of a Judge, and as no *damage*, public or private, has accrued from it, we do not believe the conclusion is warranted, under the constitution and laws of the land, that has been attempted to be deduced from it.

We will proceed next to an examination of the acts of Assembly of this State, that have been read and relied on, in the trial of this cause.—The act of 1796 chap. 1. sec. 1. provides, that, "it shall be the duty of each and every of the judges to attend each and every term" of the courts, over which they are required to preside, "and in case of failure so to attend, without sufficient cause for such failure be shown, it shall be deemed a misdemeanor in office"—Vide 1. Scott's Rev. 545. This provision of the act of 1796 had respect to the judges of the superior court, and the act of 1809, chap. 49, sec. 4 gives the same powers to, and imposes the same conditions upon the circuit Judges, that had been possessed by, and imposed upon, the Judges of the Superior Court, whereby a failure to attend any of the terms of the Circuit Courts without some legal excuse, on the part of the Circuit Judges would be a misdemeanor in office. But, it is not pretended that the respondent in this case failed to attend any of the terms of his courts, and of course cannot be regarded as having committed a misdemeanor under the act of 1796. The act of 1817 chap. 82, sec. 9 provides, that, "the Judges of the Supreme and circuit courts shall *sit*, *hear* and *determine* all causes that may come before them, unless the parties litigant are related" &c. Vide 2, Scott 363. It has been urged by defendant's counsel, that inasmuch as the preceding sections of the act of 1817 were limited in their provisions to the transfer of special causes to the Supreme court,—to the appointment of special Judges of the Circrit Court for the purpose of trying a particular class of causes therein mentioned, and

the manner of proceeding therein; and as the caption of the act was entitled, "an act for the trial of certain causes in the Circuit Courts," the 9th section before recited was designed by the Legislature to have respect only to the *special* class of causes mentioned in the act, and to the courts in which *they* should be tried. This construction of the 9th sec. of the act of 1817 we do not believe is warranted by a careful examination of the whole act. The 3rd sec. of the same act provides, how the Judges designated to hold these special courts should try the causes therein, and is in the following words, that "it shall be the duty of every Circuit Judge required by the Governor to hold a special term of any Circuit Court in pursuance of this act, to attend accordingly, and proceed to try and determine the causes, for the trial of which said court was directed, *in the same manner as if the same were a regular term of said court.*" Here the duties of the Judge, in conducting the trials of the causes in these special courts, are expressly declared to be the same as at the general terms of the Circuit Courts; and to impose any other duties, or require any greater attention on the part of the Judge holding these special courts, than are imposed upon, and required of the Judge holding the general terms, would be to give the 9th sec. a construction that would be incompatible with the provisions of the 3d sec. and make the act inconsistent with itself; and to say the 9th sec. was intended to require of the Judges of the special courts precisely the same duties the third section requires, would be to make the 9th section totally unnecessary. Therefore, to avoid the incongruity involved in such a construction of the 9th sec. we feel bound to believe it was designed by the legislature to prescribe the duty of the Supreme and Circuit Courts generally; and its chief object was rather to make it the duty of these courts to try all causes that came before them, unless within the exceptions therein specified, than to point out the *manner* of such trials,—that it had respect rather to the *kind* of cases they should be competent and incompetent to try, than the *mode* of conducting such trials.—But it is insisted that in the 9th sec. it is expressly made the duty of "the Judges of the Supreme and Circuit Courts to *sit, hear and determine* all causes that may come before them" &c; that any, the shortest absence from the bench, is in violation of this express provision. In the construction of an act of the Legislature, in order to ascertain the extent of its meaning, it is proper, as laid down by Blackstone in his commentaries, and Bacon's Abr. (vide title statute) to consider the subject matter to which it relates, and the object to be attained. This act relates to, and declares the duties of the Judicial department of our government; and the object to be attained is the administration of justice between the parties litigant, in the courts. Such reasonable construction then of the act, as will accomplish the end according to the terms and spirit of the consti-

tution, we believe to be all that ever was intended by the Legislature, that passed it. To say the Judge must sit still during the trial of a cause, and not move his position, or that he must not stand, should he feel inclined to do so, would not be a reasonable construction of the act, because, he might thereby become so much fatigued, as to be physically disabled to administer justice so well, as if he were to stand, or walk, as he might choose, and the ends of justice consequently not so well attained. To say the Judge must hear every word uttered, in relation to a cause during the progress of a trial, would also be an unreasonable construction, because, besides being unnecessary to a correct understanding of the cause, it would be a means of greatly delaying the administration of justice, by the time it would of necessity consume in the repetitions it would unavoidably occasion, and produce much perplexity and confusion in the mind of the court, in attempting to hear all the words of useless jargon, that will be spoken during the trial of causes. Nor would it be a reasonable construction to say, that the words "determine all causes that come before them" must be taken literally; that when a case comes before the Judge which he is not made incompetent to try, he must determine it; because the ends of Justice frequently require that a continuance should be granted until another term, when some other Judge may try the cause. For the same reason mis-trials must frequently be entered, and another Judge may try the causes. Yet, it has never been thought, and we imagine will not be seriously insisted, that in such cases, the Judges violate their duty under the act of 1817, in not trying the same. Therefore, the words, *sit, hear and determine*, employed in the 9th section of the 82 chap. of the act of 1817, could not have been intended by the Legislature to be taken in their strict literal sense, but were designed to be understood as figurative terms, used to express a general duty imposed upon the Judges of the Supreme and Circuit Courts, to try all causes that came before them, unless where they were made incompetent, in such manner as would "administer right and justice without sale, denial or delay. But were we to concede the most literal construction contended for the act under consideration, no clause is found declaring the Judge shall "sit" *upon* the *bench*, "hear" *on* the *bench*, or "determine" *from* the *bench*, to the exclusion of any other part of the court house. We therefore believe that a reasonable construction of the act, according to the rules prescribed, and laid down for the construction of statutes, requires nothing more on the part of the Judges than such a *sitting, hearing* and *determining* of the causes that may come before them "as shall administer right and justice without *sale, denial or delay*. When this shall have been done, and more especially if done to the satisfaction of the parties litigant, we consider the Judge to have accomplished the end of his office—to have discharged his duty

under the constitution—and to have sufficiently complied with the spirit and intention of the act of 1817. This has all been done, according to the proof in the cause before the court on the part of Judge Haskell. When it has been proved that justice was promptly administered by the Respondent, generally, as well as in the causes complained of, and to the satisfaction of the parties litigant in the courts in which he presided—when his conduct has violated no rule of moral or municipal law—when no *corrupt* or *impure* motive is imputed—when no public or private injury has been suffered—when his official decisious are believed to have been correct— when his impartiality and integrity as a Judge, and his honesty, benevolence and compassion as a man have been so clearly established, and without contradiction by a numerous train of witnesses in this cause—when so general a satisfaction has been given in the administration of the law among them to the great body of the people of his circuit—and when so general a desire seems to prevail among those over whom he presides as Judge that he should not be removed from office,—shall we take upon ourselves from the proof in this cause,—the oath we have taken, and the duty we owe to ourselves and the public, to find the defendant guilty of a misdemeanor in office. Can we from such proof seize upon one of the most important functionaries of our government, standing in all his private, social and official relations to society, uncharged and unsuspected of guilt, hurl him from office, consign him to infamy and disgrace, and his reputable family to degradation? Should this court take such a responsibility upon themselves in the face of an admission by the managers of this prosecution in their report to the House of Representatives, that if the doctrines established in the highest tribunal of this union in the trial of Judge Peck, in a much more aggravated case should be adhered to, that the respondent must be acquitted? For ourselves we think not—we do not feel disposed to disturb this decision of the Senate of the United States, but believe it to have been correct. From the best consideration therefore, we have been able to give this cause, we feel ourselves bound in the discharge of a duty we owe to ourselves, to the public and to the respondent to find him not guilty generally of misbehaviours or misdemeanor in office as charged in the first and second articles of impeachment and in the several specifications under them.

OPINION OF MR. PERKINS,

Delivered in the Court of Impeachment on the trial of Hon. Joshua Haskell, Judge of the 8th Judicial Circuit.

The first specification of the first article of this Impeachment,

charges, that at a court holden for the county of Henderson, at the court house thereof, on the second Monday in April, 1828, and on the trial of William Walden on an indictment for murder, during the examination of witnesses by counsel, and during the argument of counsel, Judge Haskell absented himself from the court, out of hearing of the counsel, witnesses, and jury, to the great damage of the defendant Walden, the county of Henderson, and State of Tennessee.

It is in evidence upon this specification, that the Judge was absent during the aforesaid trial about a half hour; that a witness was examined during his absence; that the Judge was sent for to decide a dispute that arose during the examination; the sheriff says he found him not far from the door of the court house, and that the Judge followed him into court. It is not settled whether the witness was under examination in chief, or whether it was after the argument commenced.

On the second specification of the same article, it is proved, that at a court holden for the county of Montgomery; and on the the trial of Andrew Johnston, the Judge after night absented himself from the bench about a half hour; that he was seen walking at the back of the bar, at one time, and at the back of the court-house at another; his absence was during the time that one of defendant's counsel was arguing the case; the trial had lasted fourteen hours, the weather very warm—the Judge charged the law, and that there was no injury done to any party.

And on the third specification, the evidvence is, that at a court holden for the county of Hickman, on the second Monday in September, 1823, and during the trial of George W. Garrett for perjury, the Judge was absent a short time, supposed to be about ten minutes, during the examination of a witness, but it is not recollected what witness or whether material to the cause, and it is not proved whether he was ever out of the house. It is also, in proof that the Judge was absent for a short time during the latter part of the argument of counsel; the witnesses unite in saying the prosecution was frivolous, that the case was not a litigated one, and that no injury resulted to any party in consequence of his absence.

On the fifth specification of the same article, it is in evidence that at a court holden for the county of Dickson, at the court house thereof on the 1st Monday of September, 1823, and on the trial of Ausemus S. Merritt, on an indictment for negro stealing, the Judge was absent some time during the trial; the witnesses do not agree upon the length of time. One says about a half an hour, and another near an hour; that difficulties arose during the absence of the Judge, which was compromised by counsel; the evidence conflicts with respect to the part of the trial in which those difficulties arose, and in which the Judge was absent.

One of the witnesses says that it was during the time the bar was selecting and empanelling the jury—another says he thinks the difficulty spoken of that was adjusted by counsel, arose out of the examination of a witness; they both agree that the Judge charged the law—and that there was no injury done to any party.

On the same article and 7th specification, at a court holden for the county of Madison, at the court-house thereof, on the third Monday of February, 1828, and on the trial of the State vs. John Newbold, for murder, there is some evidence of his having been off the bench during the trial, though a short time; one witness saw him out of the house about the conclusion of the argument of counsel; all the witnesses agree, that no injury resulted to any party, and some of them say he acquitted himself with credit on that trial and during that term of the court.

1st art. 11 specification—case of Thompson vs. Sloan,—cause of action about twelve dollars, tried at a court holden for the county of Hardin at the court house thereof, on the second Monday of May, 1829; upon this specification, the evidence of Mr. Nixon is, that the Judge left the bench about the commencement of the examination of witnesses, and was not present until about the close of the argument, at which time he was at the end of the bar, and charged the jury; he considered the charge a correct one, and that it was better than any man could have given that did not hear the evidence; he saw him once out of the court-house, but don't know how long he stayed out. The evidence of Mr. Miller, is, that he was present at the trial, that he believes the Judge was there most of the time during the trial, that a bill of exceptions was prepared, and that a reference was made to him about the facts and testimony; the Judge was absent some part of the time, and that he was absent when the reference was made, he believes about the door some where; that it was made without the Judge being called upon, or knowing any thing of it.

The 4th, 6th, 8th, 9th and 10th specifications of the first article has been abandoned by the managers.

All the specifications contained in this article, and upon which proof has been offered are very much the same, both as to the nature of the charges, & the manner in which they have been sustained, and it would seem to me that the same principles are involved in, and should govern them all. In pleading to these charges, the respondent does not take issue upon the facts of his having temporarily left the bench, but denies having been guilty of such a misdemeanor as would justify an impeachment. In coming to a determination of what we should do in this matter, one inquiry with me is, to what extent, or whether he has in leaving the bench, violated any known and prescribed rule of law; it is always understood that the judges shall hold their courts at the times and places prescribed by the statutes of the State, and the act of 1817,

creating the circuit courts, says the judges shall sit, hear and determine all causes that may come before them, unless the parties litigant shall be related, &c.

I know of no express law that applies better to this case than the one mentioned. Now can this be so construed as to mean that a judge shall sit all the time, or that he shall not leave the bench during the session of court, or that in hearing and determining the causes he should hear every thing said? I am satisfied for my part that no such thing was meant, neither has any law been read that to my mind, could be so construed; for under a construction of that desription, I know no judge that could not be removed; neither could there be any statute or prescribed rule of law that could, consistent with the nature of the duties of a judge, bro't to bear directly upon this case. In the nature of the thing a discretionary power must be left with the court, as to what time they shall leave the bench, and if in the exercise of that discretion it should be abused and injury ensue to either government or individual, it would then be good reason for an impeachment.

Did he determine, then, all the causes that came before him during the courts at which he is charged? It is not pretended that he did not; but it is in evidence that he did. Almost all the witnesses that were introduced, as well for the State as for the respondent, concur in saying that he despatched the business expeditiously and correctly. I cannot therefore, upon this view of the subject, see any data, upon which to fix it in a way that would justify me in saying that he has been guilty of such a misdemeanor in office as would authorise his removal, unless his conduct in leaving the bench is so connected with other circumstances, as to render it a criminal misdemeanor—such as corrupt intent, or in the absence of corruption, injuries resulting to parties concerned in consequence of his having left the bench. So far as respects corruption or corrupt intent, he is not charg ed with it, neither has it been attempted to be proved so far as I recollect. With respect to injury resulting from his absence, there is no proof to that effect, it is not proved that injury was done to any party in anyone instance.

But though no injury is proved to have resulted to any party in consequence of his absence, yet it is a matter in my opinion worthy of consideration, whether his absence was likely to produce mischief, in order to rivet upon the respondent that gross negligence that would seem to attack to him upon first view of the subject, and that might amount to such a misdemeanor, as would authorise this court to remove him from office. With a view to that, it would in my opinion be very material to shew at what time he was absent, at what stage of trial, if during examination of witnesses, what witness and what the witness was detailing when absent, whether essential to a correct determination of the

suit, &c. Nothing of this kind has been proved. Then taking these specifications separately, and unable as I am to find that on any one of them there is proof of his having acted in direct violation of the constitution of the State, of any statute of the State, to any prescribed and known rule of law, and corrupt motive not having been proved or ascribed to him, and it not having appeared that injury resulted to any party during those trials in the specifications mentioned, I am unable to take up any one of them, and say that his conduct upon that was such as will justify me in finding him guilty of such a misdemeanor as would remove him from office.

And though I cannot feel myself justified in voting for a removal from office, on any one of the specifications taken separately in consequence of the absence of proof either of a violation of a prescribed rule of law, corrupt motive, or of damage having accrued to some party; yet I have no hesitancy in believing that the Judge might not act as to authorise his removal without either.

A general neglect or refusal to attend to the duties of his office, though there should be no direct proof of corruption, or of special damage to an individual, yet as that general neglect or refusal necessarily produces public damage, it would in my opinion be sufficient cause for removal. This part of the subject will, as I think, let in the evidence of his general character as a Judge; for if the proof of his general conduct as a Judicial officer is such as to warrant this court in saying, that he has so abused his office, as to make it apparent, that the country is in danger of suffering in consequence of his negligence—or that he has failed to answer the purposes for which that office was created, or that public or private damage has ensued in consequence of his not attending to the business of his court, it would form good ground for removal.

Upon this part of the subject then, let us look to the evidence adduced for his general conduct as a Judge, of which there is abundance, from the people of his circuit, and over whom he presides.—Many witnesses of first respectability have been examined to that point, most of whom say that he dispatches business as fast as most Judges, and that his decisions are generally understood to be correct and satisfactory; that the body of the people of his circuit is satisfied with him, and wishes to retain him, that some take exceptions to his want of dignity when off the bench; that some of the members of the bar complain of him on the ground of his want of dignity when off the bench, and his shewing disrespect to them when on it.

Then upon the best view I have been able to give the subject, I am not satisfied, that the evidence offered in support of the first article or any of the specifications thereof, has been such as would authorise me to find him guilty of such a misdemeanor as would

remove him from office. I therefore vote upon this article and all its specifications,—not guilty.

The first specification of the second article has been abandoned.

The second specification of the same article charges, that at a court holden for the county of Hickman at the court house thereof on the second Monday of Sept. 1828, and on the last day of the term, he the said Judge, did negligently and illegally omit, fail and refuse to have and hear the minutes read, and that he signed the minutes, as true records of the proceedings of the court without knowing whether they were true or false. The only witness introduced in support of this specification, is, Dr. Sebastian, the clerk of the court, who says he does not know whether the minutes of the day were read or not with the exception of the last judgment, which he knows was read. I, therefore, consider that the charge in this specification has not been proved, and, therefore, vote upon it,—not guilty.

OPINION OF MR. HOLMAN.

The managers on the part of the House of Representatives have abandoned the charges and specifications set forth in the 4, 6, 8, 9 and 10 specifications of the first article of this impeachment, and the first specification of the second article. It now becomes our duty to decide whether the remaining articles and specifications of this charge, have been proved as exhibited against this respondent, and if so, whether they constitute such misdemeanors as to disfranchise him of his office.

In the first specification of the first article, on the trial of William Walden for murder in the county of Henderson, on the 16th day of April, 1828, the Judge is charged with having negligently, capriciously and illegally absented himself from the bench during the examination of witnesses, and during the argument of counsel,—and going out of their hearing, and engaging in conversation, &c. to the great damage of the said William Walden, of the said county of Henderson, and of the State of Tennessee.

In the second specification of the first article on the trial of Andrew Johnson for horse-stealing, in the county of Montgomery on the 21st day of August 1828, the Judge is charged with having negligently, capriciously and illegelly withdrawn himself from the business of said trial during the progress thereof, and engaged in various conversations, &c. and with having omitted, failed and refused to hear, attend to and superintend the testimony of witnesses, and the argument of counsel, &c.

In the third specification of the first article, on the trial of George

W. Garrett for perjury, in the county of Hickman, on the 12th day of September 1828, he is charged with having negligently, capriciously and illegally omitted, failed and refused to hear, attend to, and superintend the testimony of witnesses, and the argument of counsel, he, the said judge being, during the trial of such testimony given in, & arguments of counsel, engaged in various business and conversation, sometimes in the court house, sometimes out of it, sometimes out of sight and hearing from said court house, &c.

In the fifth specification of the first article, on the trial of Ausemus S. Merritt for negro stealing, in the county of Dickson, on the fifth day of September 1828, he is charged with having negligently, capriciously and illegally omitted, failed and refused to hear, attend to, and superintended the testimony of witnesses, and the argument of counsel, he, the said Judge being, during the time of such testimony given in, and such arguments of counsel, engaged in conversation and business, sometimes in the court house, sometimes out of it, and sometimes out of sight and hearing from the court house, &c.

In the seventh specification of the first article, on the trial of John Newbold for murder, in the county of Madison on the 21st day of February 1828, he is charged with having negligently, capriciously and illegally omitted, failed and refused to hear, attend to and superintend the examination of witnesses and the argument of counsel, he being, during the testimony given in, and argument of counsel, engaged in conversation, sometimes in the court house, and sometimes out of it, &c.

In the 11th specification of the first article, on the trial of John Thompson vs. William Sloan, in the county of Hardin, on the 15th day of May, 1829, he is charged with having negligently, capriciously and illegally omitted, failed and refused to hear, attend to, and superintend the testimony of witnesses, and the argument of counsel, he being engaged in conversation and business with divers persons at a distance beyond hearing from the place of trial, &c.

All the specifications conclude to the great damage, &c. as in the first specification.

Without entering into a detail of the testimony, I will here remark that the substance of the charges set forth in the several specifications are proved to the satisfaction of my mind. It has been clearly proved that during the trial of several of the causes therein set forth, and while witnesses were under examination, and the arguments of counsel going on before the jury, the Judge negligently and wilfully absented himself from the court house, the place of trial, frequently out of hearing from the court house, without suspending the business of the court in his absence, and engaged in divers conversations and business with persons in the cour

yard—that in his absence disputes sometimes arose between the counsel about the testimony of witnesses—and that the Judge had full knowledge that the business of the court was progressing while he was thus absent, &c.

It is proven that he was absent during some part of every trial mentioned in the specifications,—either while the testimony of witnesses was given in, or while the arguments of counsel were going on.—And on the trial of Thompson vs. Sloan, it is in proof that the Judge was absent from the time the jury was impannelled until the close of the arguments of counsel.

The second specification of the second article, relative to the charge of having signed the minutes of the Hickman circuit court as true records, without having them read, is not sustained by satisfactory evidence—I therefore on this specification vote—not guilty.

Upon this statement of facts, is Judge Haskell impeachable for *misdemeanor* in office? His counsel urge with great ability in his defence, that a Judge cannot be impeached except for such offences as are indictable at the common law—that crime and misdemeanor are synonimous terms—and that no act of a Judge is impeachable, unless an offence against some known law or rule prescribed by the municipal regulations of the country, or an infraction of the moral law. Let us advert to the constitution of our own State, and see for what offence a Judge is liable to impeachment.

The second sec. of the 5th art. of the constitution prescribes, "that the Judges of the several courts of law and equity, shall hold their respective offices during their good behaviour."—And the 4th article, sec. 4, makes them "liable to impeachment for any misdemeanor in office." These two clauses in the constitution being *in pari materia* must be in direct opposition to each other. With this view of the subject, it is very evident that misbehaviour in office, and misdemeanor in office mean the same thing, and this principle of construction was agreed to on all hands, in the great and important trial of Judge Chase, 7. Dane's Abr. 365. I believe that a Judge may so misbehave in office, as to be liable to impeachment and removal, and not be guilty of an indictable offence. "Habitual drunkenness in a Judge is not an indictable offence, but the Senate removed from office Judge Pickering for this offence," 7 Dane 365. Suppose a Judge should negligently refuse to hold some of the terms of this court, or at each term, should open and hold court only one hour on each day without any reasonable excuse for not sitting longer, yet for such misconduct he could not be indicted at the common law. He might during the progress of trials in court, while on the bench, sing obscene songs, relate marvellous and ridiculous tales, and do a great many acts well calculated to bring disgrace upon the public justice of the country, for

which he would not be indictable at common law. Great stress has been laid on the word "misdemeanor by respondent's counsel. They contend that the tenure by which the Judges hold their offices in this country is prescribed by the constitution, and not by the common law—and that the authorities read by the managers on the forfeiture of offices in England are not applicable to impeachments here. Judge Blackstone says, "the fairest and most rational method to interpret the will of the Legislator, is by exploring his intentions at the time when the law was made, by signs the most natural and probable." By exploring the intention of the framers of the constitution, it is not to be supposed that they intended that the word "misdemeanor" in office, should have a different meaning to offences which would render offices liable to forfeiture at the common law. We derived all our legal notions from the common law of England, and we commonly advert to the laws of that country, in order to aid us in acquiring information as to the proper meaning of every doubtful legal phrase. The definition of misdemeanor in office, is laid down with great perspicuity in 7 Dane's Abr. 366. "What is good behaviour in office is certainly a very general and indefinite question, not defined by any statute, constitution or adjudged cases, nor can it be in the nature of things; but what is good behaviour or not in office must ever essentially depend on the actions of the officer, and circumstances of the particular case, too numerous and various to be reduced within any *known law*, in the proper sense of the expression." So that I am clearly of the opinion that a Judge may be impeached and removed from office for an offence not defined either by statute, constitution, or adjudged cases. And this principle is in perfect accordance with the genius and spirit of our government and constitution; for I believe, (as urged by Mr. Allen, one of the managers) that in the grant of every office to every Judge in this State, there is a condition implied between the State and the officer, that he shall hold his office so long as he continues diligently and faithfully to demean himself as a Judge—but that whenever he manifests a wanton disregard of his oath, and the solemn duty and dignity of his station, he violates the contract and forfeits his office.

This principle has been recognized as the common law of England ever since the days of Lord Coke. It is a general rule, that if a person does an act which is contrary to the nature and duty of his office, or refuses to perform the duties annexed to it, the office is forfeited; for in the grant of every office, there is a condition implied, that the grantee shall execute it faithfully and diligently—3 Cruise's Dig. 96,—1 Haw. Pl. C. 412,—2 Roll. Abr. 155,—3 Mod. Repts. 143,—Co. Litt. 233.

And the experience of ages has demonstrated, that these principles are perfectly compatible with the good of offices, and aux-

iliary to the purest ends of justice. Any other doctrine than this is contrary to the principles of our government. The principle of responsibility for neglect of duty in office, pervades every department of a free government; for wherever responsibility ends, there tyranny begins. It would have swelled our constitution to an enormous size, to have enumerated all the particular instances wherein a Judge may be impeached, and it is beyond the power and foresight of the Legislature to enact laws to meet every particular instance in which a judge might *misbehave* in office. In the case of Field vs. the State of Tennessee, 2 Mar. & Yerger's Repts. 168, I find an excellent rule laid down on this subject. The learned judge who delivered the opinion of the court, observes, "that the Sessions in England have power to displace a Constable for good cause, but what such good cause is cannot be very clearly ascertained." "Any abuses that bring disgrace upon the justice of the country, were considered sufficient." Admit that this respondent has not violated any known law, or prescribed rule for the government of his conduct as judge, yet the course which he has pursued in the exercise of his office, is well calculated to bring disgrace upon the public justice of the country.

But the counsel for Judge Haskell contended that an office concerning the administration of justice, cannot be forfeited for a *bare nonuser*, without showing some special damage occasioned thereby. They contended that as the managers had not proved special damage either to the State, the counties or the parties mentioned in the specifications as charged, that this impeachment could not be sustained. There appears to have been some diversity of opinion even among the most learned jurists on this subject. But I believe the rule is now well settled that non-attendance of a public office is a cause of forfeiture, without showing special damage occasioned thereby. Lord Mansfield lays down the rule to be this, "that in a public office, concerning the administration of justice, the officer is bound to attend to the duties of it at his peril: and non-attendance is a cause of forfeiture of his office, though no inconvenience ensue by such non-attendance. And the difference is between public and private offices." 4 Bur. Repts. 2006, and so is 2 Co. Litt. 233,—9 Co. 50,—2 Ld. Rym. Repts. 1237,—5 Com. Dig. 222.

But, I believe that in cases like this, the law will imply an injury. Was there no injury sustained while the counsel were quarrelling about the admissibility of evidence before the jury, in the absence of the judge? and did the dignity of the State and public justice receive no injury while witnesses were under examination —the lawyers pleading before the jury on the lives and liberties of men,—and the judge at the same time so regardless of his duty and the importance of the causes on trial—as to withdraw himself 80 or 100 yards from the court house, the place of trial, and

there engage in conversation about horse swapping? It is admitted by one of Resp'dt's counsel, that if the judge saw that injury was the apparent or likely consequence of his leaving the court house during the trial of causes, it would be immaterial whether injury ensued or not—for that his wanton disregard of his duty in thus wilfully endangering the rights and liberties of those in court, would render him as guilty, as though injury had resulted therefrom. Assume then, that this position is correct, and we are obliged to remove him from office; for how can it be made appear that Judge Haskell could not discover that injury was likely to ensue every moment he was absent? I am furthermore of opinion that the allegation of damage set forth in the specifications is surplusage, and can neither do good nor harm. Sec. 2 Lord Ray. 1189—Sal. Repts. 380.

Now let us turn our attention to the constitution and laws of the land, and see whether the respondent has violated any rule prescribed. The act of 1809, Chap. 49, Sec. 7, requires each Circuit Judge in this State, before he proceeds to discharge the duties of his office, to take an oath "that he will faithfully and impartially discharge and perform all the duties incumbent on him as Circuit Judge, according to the best of his skill and ability." This oath respondent took before he entered upon the exercises of his office.

The 9th sec. of the act of 1817, chap. 82, prescribes that, "the Judges of the Circuit courts shall *sit*, *hear* and determine all causes that may come before him, unless the parties litigant are related to said Judges either by the ties of affinity or consanguinity or where said Judge may have been employed in said causes as counsel." It is contended that this is a local act, and relates only to the duties of the Judges of a Special court in East Tennessee. I have not had an opportunity of satisfying my mind as to the correctness of this statement; but I am well assured that this has been the law in relation to Judges for ages—and that the statute is only declaratory of what the duty of the Judges was before its passage. The 9th sec. of the Declaration of Rights provides, "That in all criminal prosecutions the accused has a right to be heard by himself and his counsel, &c." From these provisions and *rules*, one of the first questions which naturally arises is, did the Judge faithfully and impartially sit, hear and determine all the causes mentioned in the articles and specifications, according to the best of his skill and ability? or did he manifest on the trial of those causes such a total and direct neglect and omission of his duty, as to amount to a virtual violation of his oath? I am of the opinion, that no one who heard the testimony in this cause, can believe for one moment that the Judge attended to, heard and superintended the examination of witnesses, and the arguments of counsel on the trial of the causes set forth in the specifications, to the

best of his skill and ability. He then in a moral point of view,—*in foro conscientie*, has disregarded the solemn duties of his oath.

The Judge without pretending to set up any excuse, has violated the positive injunctions of the act of 1817 and the 9th sec. of the Declaration of Rights. The word "hear" in the statute is as obligatory as the word "determine"—and no one will pretend to say, that if the Judge had wilfully refused to *determine* those causes, although he heard all the evidence and argument of counsel, and faithfully performed his duty in every other respect, but that he would be impeachable. What rendered it the more important that he should have faithfully attended to the trial of the causes mentioned in the specifications is, that the most of them were criminal prosecutions, which the constitution as well as the statute required him to hear; for the only reasonable construction that can be given to the 9th section of the Declaration of Rights is, "that in all criminal prosecutions it shall be the duty of the court, to *hear* the accused by himself and his counsel." So that the act of 1817, is only declaratory of the true meaning of that part of the constitution. It is admitted on all hands, that if a judge fails to attend any of the terms of his court, without sufficient cause for such failure, he would be liable to impeachment for a *misdemeanor* in office. If the judge then, would not be excusable for failiug to attend one of the terms of his court, how can he be excused for having wilfully and negligently omitted to hear, and attend to the examination of witnesses, and the arguments of counsel, and for suffering the business of the court to progress in his absence? In the former case, he would only be guilty of neglecting to do what the law required him to do, but in the latter, he is guilty, not only of neglecting to do what is required of him by the law, but of having entered on the exercise of his duty, and then wilfully and negligently refusing to perform it, at a time when great and apparent mischief was likely to result to the State and to the parties in court, and to the contempt and disgrace of the Judicial department of the government. It is very evident then, that Judge Haskell has wilfully violated some of the prescribed duties of his office. It is nugatory to say there is no prescribed law prohibiting a Judge from leaving the bench during the progress of business in court, and going off and engaging in conversation and amusements with the populace in the streets, or the tippling house—for the law is, that "an officer is liable to a forfeiture of his office, not only for doing a thing directly contrary to the design of it, but also for neglecting to attend to his duty at all usual, proper, and convenient times and places." 1 Hawk. Pl. C. 142.

Mr. Fletcher, one of Respondent's counsel took this ground.—He contended that this was a *special* court, and that so soon as the

legislature should adjourn, the court would cease to exist—and that as the articles of impeachment were found by the House of Representatives at the last General Assembly, that this impeachment is abated by the dissolution of the last session. I am of opinion that this court is no more *special*, in the legal sense of the phrase, than the circuit or supreme courts. By the 21 sec. of the 4th art. of the constitution, "All impeachments shall be tried by the Senate." The Senate then exists, as long, as our constitution and present form of government shall continue to exist, although the members who compose it may change. It is said that almost all the legal characters in each house of Parliament voted that the impeachment of Warren Hastings, had abated by the dissolution of the Parliament. I cannot see the reasons upon which they founded their judgment—I believe that this impeachment has not abated, and that this court has jurisdiction of it.

It is due to the house of representatives and their honorable managers to say, that it is not reasonable to suppose that they prosecuted this impeachment inconsiderately upon light and uncertain grounds; for they have substantially proved all but one of the charges upon which they relied.—And the responsibility now rests with the Senate to say, by their decision, whether the constitution and the laws of this country hold a Judge accountable for such conduct as this, and whether the other Judges of this State may commit like offences with impunity.

Respondent's counsel have in feeling terms appealed to the humanity of this court. They tell us that respondent has maintained an unblemished character as an honest man—that he is poor and has a worthy family who look to him for support—that he is popular among the people of his circuit—that they wish to retain him as their Judge—and that these considerations ought to have great weight with us in our deliberations. These reflections have had some bearing on my mind; but I cannot let sympathy or popular opinion influence my determination in a case like this. I cannot say to every other Judge in the State, that you may conduct yourself in the exercise of your office as Judge Haskell has done, without responsibility. I consider the decision of this case as extending beyond the happiness or infamy of this Respondent; that it will decide whether judicial irresponsibility may bid defiance, at pleasure, to the constituted authorites of the State, and whether the Judicial tribunals of the country, heretofore, so much looked to as the *safeguards* of our lives, our liberty and our property, shall be brought into disgrace and contempt. I therefore feel bound by the obligations of my oath, to find the respondent—guilty.

The State of Tennessee, vs. Joshua Haskell, Judge of the 8th Judicial Circuit.

OPINION OF ROBERT M. ANDERSON,
AND OTHERS.

The House of Representatives at the session of 1829 preferred articles of impeachment against the Respondent, charging him with having negligently, capriciously and illegally left the bench and court house, during the progress of trials before him, and while witnesses were under examination, and while counsel were arguing. Under this article, there are eleven specifications setting forth the particular times, places and trials in which he had been guilty of the facts charged.

The second article in the impeachment charged him with having negligently, capriciously and illegally omitted, failed and refused to have, and to have read in open court the minutes of courts in which he had presided as Judge, and having signed said records without knowing whether they were true or false. There are two specifications under this article setting forth times and places.

Managers were appointed on behalf of the State, by the House of Representatives of 1829 who exhibited these charges before the Senate of 1829. The Respondent appeared before that Senate and filed his plea of not guilty of any misdemeanor or misbehaviour as in and by the said articles and specifications, is alleged, and issue thereon was taken by the managers on the part of the House of Representatives. The cause was then continued on motion of Mr. Burford, one of the Senators, and by and with the consent of the respondent, until the next regular or called session of the General Assembly: and now at the session of the General Assembly of 1831, the cause is prosecuted by managers appointed on behalf of the State by the House of Representatives of 1831.

It is insisted by Respondent's counsel, that this court has no jurisdiction of this cause, because the articles of impeachment were exhibited, and issue taken thereon at a former session of the Legislature. That when that Legislature adjourned, the cause abated, and a subsequent Legislature to which the cause had been continued, had no jurisdiction and could not try it.

In support of this position, the following authorities are cited by Respondent's counsel:—4th Blackstone's com. p. 260. (Andrew Blair's case.)—4th Blackstone's com. p. 400. (Case of Warren Hastings,) Sir Thomas Raymond, page 120—1st Leving 165, 5th vol. of Jacob's Law Dictionary, page 91. It seems that in Blair's case first above quoted, it was conceded that the dissolution of the Parliament before which the impeachment was commenced, abated the cause. In the trial of Warren Hastings, how-

ever, this point was again made and discussed, and it was decided that a subsequent Parliament had jurisdiction.

This I believe to be the correct doctrine. It is said that the legal characters who were in the Parliament that tried Warren Hastings, voted that the cause had abated; and although they were in the minority on that question, yet the Parliament felt the necessity of, and did pass an act at that very session on the subject, declaring that the dissolution of a Parliament should not be an abatement of impeachments pending before Parliament. Without stopping to enquire into the difference in the nature, character and organization of the two Governments, or to ascertain whether this act of Parliament is in force in this State, I will examine the question with a view solely to our own constitution.

The constitution of Tennessee, Article 4. Section 1. and 2. says, "The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate." The constitution requires us to elect members of the Senate and House of Representatives once in two years, and the time of elections is fixed by the constitution. I hold that when members are thus elected, they are members of the Senate for two years, unless they die or resign. The executive has the power to issue writs of election to supply vacancies occasioned by the death or resignation of members, and the power to convene the Legislature when occasion may require; and when thus convened they have the same power and authority, that they have when they convene on the day pointed out by the constitution when they shall convene. In point of fact, and in the contemplation of the constitution, there always is a Senate, and a change of members of that body by the election of different men, does not affect the existence, powers or privileges of the Senate. The Legislature is a distinct, independent co-ordinate department of our government that never dies.

The Senate is not a special court clothed with power for the trial of a particular cause, and whose jurisdiction and authority end with the trial of the particular cause, but it is a court that is always in being though not always in session. There is no point of time when the people of this State have not a court in the Senate of the State for the trial of such impeachments as may be constitutionally brought before them. I am therefore of opinion that this Senate has jurisdiction of the cause.

This being a preliminary question in my opinion, and necessary to be first settled, and being satisfied in my own mind on the question of jurisdiction, I am ready to proceed and give my opinion on the question of guilt or innocence of the accused, on the several articles and specifications contained in the impeachment.

The first article charges the Respondent with having negligently and illegally left the bench and court house during the progress of trials that were had before him as Judge, and remaining ab-

sent, engaged in conversation, business and amusements while witnesses were examing, and counsel arguing in said causes.

The first specification charges him with being guilty of these acts on the trial of William Walden, for murder before him as Judge, at the April term 1828, of the circuit court for Henderson county.

Adam Huntsman states—that he was present at the trial of William Walden, and after the cause was taken up for trial, the Judge was absent at the tavern seventy-five or one hundred yards from the court house,—and saw him afterwards looking at some horses some distance from the court house, perhaps 80 or one hundred yards;—he does not know what was going on when the Judge left the bench, but knows the trial was progressing. The Judge remained absent more than half an hour. Witness was not certain that the Judge was absent during the examination of witnesses, but is certain he was absent during the examination of witnesses, or the argument of counsel. Witness was present in the court house when a difficulty arose between the counsel employed, as to what a witness *had* said or *should say*. The Judge was absent out of the court house and was sent for. He then came into the court.

This was in the latter part of the day. It is usual for Judges to attend the whole of a trial that is had before them. It was proved that this trial lasted until about 12 o'clock in the night on Saturday night, and the jury could not agree. The Judge then discharged them. At the next term, the prisoner was arraigned and a jury were impannelled to try whether the prisoner Walden was then insane, who found that he was then insane and a *Nole Prosequi* was then entered, and the prisoner discharged. Witness afterwards saw the Judge at a stall where cakes and cider were sold—the distance from the court house not stated.

Andrew L. Martin, proves that he was present at the trial of Walden, and that the Judge was out of the court house during the progress of the trial, at least as long as Huntsman states. The Judge was looking at some horses, perhaps seventy or eighty yards from the court house. He does not know whether the Judge was absent more than once during this trial, nor that he said any thing when he left the bench. He does not recollect whether witnesses were examining or counsel arguing, when the Judge was absent, but recollects that a witness was before the court when the Judge was absent, and had to be sent for—though he is not certain whether the witness was on his first examination, or was brought in to explain his testimony.—Believes the Judge's absence was before argument of counsel, and when a difficulty arose about the examination of witnesses.

Joseph W. Talbot—states that he was present at the trial of Walden, and that the Judge was absent half an hour during the progress of that trial. He does not know where the Judge was—

some difficulty arose between the counsel, but does not recollect what the question was:—The Judge was absent from the court house. The question was referred to some lawyer who declined making a decision, saying the State had appointed a man for that purpose, and the Judge was then sent for. The Judge's absence was before the argument of counsel commenced.—Believes he was absent during the examination of witnesses, but is not positive as to that.

Alexander B. Bradford—states that he was present and engaged as counsel in the trial of Walden. A witness was before the jury and the Judge was absent. In the examination of the witness a difficulty arose between Bradford and the defendant's counsel, some altercation took place, and he sent for the Judge—does not know how long the Judge was absent. Witness finished his argument before night—cannot state positively whether it was before the argument of counsel commenced that the Judge was sent for, but is sure it was in the examination of a witness—believes the sending for the Judge was before the storm which happened on that day, and he did not commence the argument until after the storm—Does not recollect what witness it was about whom the difficulty arose—Identity of the prisoner Walden was the only question involved in the cause—Cannot state what was going on when the Judge left the bench.—The difficulty about which the Judge was sent for, happened before night. The dispute arose between the defendant's counsel Talbot and myself during the examination of a witness—The witness Bradford thought Talbot wished to take advantage in the examination, because of the absence of the Judge, and sent for him.

Robert Marshall—states that he was the sheriff of the county, and was present at the trial of Walden. The Judge was absent when the dispute arose between the counsel about the examination of a witness, and as he believes, when the witness was called back. He was sent for the Judge, and he found him twenty or thirty steps from the court house looking at a horse—Thinks the storm spoken of by Bradford was after dinner.—Does not know what was going on when the Judge left the bench—Believes that the sending for the Judge took place before the argument of counsel commenced.

Hezekiah Bradbury, a witness for Respondent, as to this specification—states that he was a Juror on the trial of Walden—The Judge was not absent as he remembers, but once, and that but a few minutes in the evening—not certain whether it was on the first examination or when a witness was called back—Judge was standing at the door as some one said—Judge was not absent half an hour—Judge's standing in the county where witness resides is very good—Does not recollect certainly what was going

on during the few minutes he was absent, but believes the counsel were disputing about the evidence.

On this specification I find the Respondent guilty.

On the second specification of the first article, which charges the same facts in the trial of Andrew Johnston for horse stealing in Montgomery county at the August term 1828.

Cave Johnson, who prosecuted on the part of the State, proves that Respondent was absent during the argument of counsel in this cause more than half an hour, but does not recollect of his absence during the examination of witnesses—his absence was in the night, during the argument of defendant's counsel—his absence during the trial of causes at that term, attracted attention generally.

Joseph Hise—proves that he was counsel for defendant, and the Judge was off the bench and out of the court house a considerable time during the argument of counsel—Judge left the bench while he was addressing the jury; believe he was off the bench from between 9 and 10 o'clock until 12 o'clock—witness was not always in the court house, but was frequently in and out, and did not see the Judge on the bench. The Judge ate a part of a watermelon with witness at the end of the court house, and outside of the court house, during the argument of counsel in this cause.

William H. Dortch, a witness for respondent—Witness was employed to prosecute, and was in the court house from the commencement of the trial until the jury retired, which was about 11 o'clock—Saw nothing wrong in the Judge, and he did not absent himself from the bench as witness recollects—Did not see the Judge absent himself during this trial, and believes that if he had been absent 10 minutes he would have noticed it—that he was acquainted with the character of Cave Johnson, and would give him full credit.

Herbert H. Kimble, another witness for respondent—proves, that he was one of the prosecuting counsel—saw respondent once off the bench during this trial behind the bar—Does not think the Judge was absent from the bench as long as stated by Johnson, but supposes he might be absent twenty minutes, which was during the argument of counsel—Can safely say that the Judge was not absent during the examination of witnesses, and would not have noticed his absence at all, but from his accidently touching witness' elbow.

From all the testimony in this cause I feel bound to find the Respondent guilty in this specification.

The third specification charges the same offences on the trial of George W. Garrett for perjury in Hickman county, September term 1828.

Doctor Samuel Sebastian—states that as soon as the jury was empannelled, the Judge absented himself, and was absent during the examination of some of the witnessess. He was absent twice

during this trial—was absent in the yard conversing with others. more than ten minutes at each time—Nixon was the attorney for the State, and the Judge was absent while he read the bill of indictment, and until he made considerable progress in his argument. When the judge left the bench he told them *to proceed.*—The judge was present when the testimony commenced, but was absent in the examination of some *witnesses in chief.* Nixon, the Attorney General, had to send for the Judge to hear some part of his argument that was addressed to the court. Does not know that the witnesses that were examined in the judges absence were material. The judge stayed until witness was satisfied from the testimony that the defendant was not guilty, and the prosecution was frivilous—does not know of any harm happening to any person on account of his absence— does not know that the Judge was out of the *court house* during the examination of any of the witnesses, as he did not see him go out of the door, but saw him leave the bench. A difficulty arose between the counsel, in the examination of witnesses, the difficulty was adjusted by the counsel. The Judge being absent and the cause progressed. Witness states that the Judge was absent during the latter part of the trial and while the counsel were arguing, more than half an hour. He once saw the Judge 10 or 15 feet from the court house door during this trial —The Solicitor at one time, stated that they had no court and could not proceed: Johnson replied that they could do as well without the Judge as with him.

Gabriel Fowlkes—says he don't recollect of the Judge being absent but once during the trial of Garrett—He was sent for the Judge at that time, and found him either at the show or in the court yard and not certain which.

Henry Nixon—states that the Judge was off the bench in the progress of the trial, but does not know whether he was out of the court house. He was off the bench during the argument of counsel and the examination of witnesses, but does not know whether he was out of the court house—In the progress of the trial witness had to send for the Judge, and his was when witness was making his argument and he recollects that he was out of the court house then. Believes he saw him talking with Judge Green at the Tavern 60 or 70 yards from the court house before he charged the jury.

Nicholas T. Perkins—states that he defended Garrett. The Judge was absent a few minutes at a time, two or three times during the trial—The prosecution was frivolous and witness did not *think*, that the Judge did any wrong in absenting himself from the bench in that trial—Witnes states that Haskell frequently left the bench at that court during the progress of trials. The evidence introduced by respondent is of a negative character—Doct. Walker was present at this trial and does not recollect to have seen

the Judge off the bench but one time and that but a few minutes.

This specification I believe to be fully proved and find him guilty as therein charged.

The fifth specification alleges the same offences against the respondent on the trial of Ausemus S. Merritt, for negro stealing, at the September Term of the Circuit court for Dickson county, 1828.

Cave Johnson—states that the Judge was absent and out of the the court house perhaps an hour, and he believes that this was in the selecting and empannelling the jury to try Merritt. He was seventy or eighty yards from the court house, in conversation with some gentlemen. While the Judge was absent some difficulty arose between the counsel, with regard to empanelling the Jury, as witness believes; some sparring took place between the Judge and witness, with regard to his absence, the Judge insisting that he had a right to sit in any part of the court house he saw proper. The judges habits for leaving the bench, was the subject of general remark.

Nathaniel H. Allen was engaged as counsel in the trial of Merritt and the Judge was absent during the trial he thinks half an hour. He differs with Johnson as to the time the Judge was absent, as he believes it was not in the selecting of the Jury but when a difficulty arose between counsel as to the examination of a witness. The judge was also absent while witness was making his argument to the jury and on a point of law that arose in the case; the same question had been made and argued by counsel who had preceded him, and when the judge was on the bench. He does not know what was going on at the moment when the judge left the bench, nor does he know of any particular harm to any person on account of his absence. Witness states that when the judge first presided in the circuit and would leave the bench they used to suspend business until he would return. After some time the Judge directed them to continue without him when he was about to leave the bench. They soon became accustomed to it and then proceeded without him if he absented himself. No rebutting evidence has been introduced as to this specification—I find him guilty as therein charged.

On the 7th specification under the first article, the testimony I think is contradictory and by no means satisfactory, and after a careful examination of the whole of the testimony I pronounce the accused *not guilty*.

Art. 1. specification 11. The charges laid in this specification are more fully and completely proved, in my opinion, than in any specification under this article.

Henry Nixon states that the Judge left the court house about the time that the first witness was introduced and remained away until the close of the argument. At the close of the argument the

Judge came into the court house, and the witness told him that the jury were ready for the charge. The Judge, standing at the end of the bar, gave a short general charge to the jury, which he thought a very good charge for one who had not *heard the testimony*. Witness was of counsel for the plaintiff Thompson, and a verdict was rendered in his favor at this trial. On the next day as he was informed, a new trial was granted by the Judge, but on what grounds the witness does not know. At a subsequent term Thompson lost the cause; in the trial of this case of Thompson against Sloan, a difficulty arose between the counsel employed as to the admissibility of testimony; the question was referred to Austin Miller, the Judge being absent, who gave a decision and the cause progressed.

Austin Miller is the attorney to whom the question referred to in Nixon's testimony was submitted. He gave a decision on the point, and the cause progressed in the Judge's absence; the testimony of this witness corroborates and confirms the testimony of Nixon in all material points. A new trial was granted by the Judge on the next day after Nixon, one of the counsel, had left the court.

There is no testimony introduced by the Respondent to rebut, contradict or explain the testimony given by Nixon and Miller on this specification. I believe the charge fully sustained by the proof, and find him guilty on this specification.

The 4th 6th 8th 9th and 10th specifications under this article are withdrawn by the managers, and the first specification under the second article.

The second specification under the second article I believe is not proved, and I find him not guilty as in said article and specification he is charged.

It is proved by several witnesses, both on behalf of the State and the Respondent, that the Judge was in the habit of leaving the bench and court house in the progress of trials that were had before him, both in the examination of witnesses and the argument of counsel.

It was also proved by several witnesses that the Respondent was of good general character, prompt in the despatch of his business, and generally correct and satisfactory in his decisions.

Upon the foregoing testimony the question arises—is the Respondent guilty of a misdemeanor in office according to the constitution and laws of this State.

The constitution of Tennesse, Art. 4, sec, 4 says:

"The Governor, and all civil officers under the State shall be liable to impeachment for any misdemeanor in office: but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of honor trust or profit under this State."

The language here used is worthy of special notice.—Any misdemeanor in office.—The lowest and least misdemeanor in office; subjects the offender to impeachment and removal.—What was the object of the framers of the constitution in the adoption of this article? Answer that "It was to provide a speedy, plain and effectual plan for the people of Tennessee to arraign and punish any misbehaviour or misdemeanor in the official conduct of their civil officers. The framers of our constitution did mean that misdemeanors should be sealed, and their degree of turpitude or their probable tendency to do personal mischief should be the criterion by which the liability to impeachment of their officers should be determined. If the facts charged amount to a misbehaviour or a misdemeanor in office, it is sufficient to sustain an impeachment. Under this view of the constitution, it becomes necessary to enquire what are the duties of a Circuit Judge in this State—the constitution of the State does not pretend to define the duties of a circuit Judge in detail; in vain will we look into the constitution to learn whether a Judge is allowed or forbidden to leave the bench and court house during the progress of a trial before him. We must learn his duty by reference to some other rule of conduct. It is somewhat strange that so little is found in the Statutes of the State prescribing the duty of a circuit Judge in the trial of causes that may be brought before him. The only act which has been produced by the counsel being the act of 1817, chap. 82, sec 9; this section is in the following words: Be it enacted that the Judges of the Supreme and Circuit Court shall sit, hear and determine all causes that may come before them; unless the party or parties litigant are related to said Judges either by the ties of affinity or consanguinity, or where said Judges may be employed as counsel in said causes, and have actually received the fee for the same.

We are told, that we have not a rule of conduct laid down in the above recited act, for the Circuit Judges of this State, because it is said, that this is a special law creating a special court for the trial of particular causes therein named, and is not intended for a general law, prescribing a general rule for the Circuit Judges, in this State."

Let us examine this act and see what is the proper construction to be given to the section above quoted.

The first section of this act provides for the removal of such equity causes from the Circuit to the Superior courts as the Judges of the Circuit Courts are not competent to try.

The second section gives the Judges of the Superior courts jurisdiction, and requires them to try said causes.

The third section enacts that "whenever all the Judges who may be directed by law to hold any circuit court in this State, shall be incompetent to sit on the trial of any cause at law depending in such Circuit Court—it shall be the duty of said Judges to notify

the Governor and furnish him with a list of such causes, and if said causes or any of them shall be depending in East Tennessee, it shall be the duty of the Governor to require some other Circuit Judge to hold a special Term of the Circuit Court for the county of Knox, and a similar provision is made for the trials of causes at Nashville.

The 4th section directs clerks to make out and transmit copies of records, &c.

The fifth section directs the manner of summoning jurors to these special courts. The 6th section authorizes the Judges to adjourn the special courts to another time, &c. The 7th section provides for challenges of jurors. The 8th section gives an appeal from the decision of the special court to the superior court. And then comes the 9th section as above quoted. Now I would ask what is the meaning of this Statute? What does it provide for? Not that the Governor should appoint special Judges, because in the 3d section the Governor is directed to require some other circuit Judge, &c. The Legislature were making provisions in this act for the trial of certain causes which the Judges of the several circuits where they were pending, were incompetent to try. The Legislature in this act, are directing how such causes if they be chancery causes, should be transmitted to the superior court for trial. If they be law causes, how they should be transmitted to Knoxville and Nashville to be tried in the special court, which should be held at those places when the Governor should require, by some of the circuit Judges of the State. The Legislature are speaking to Judges already in being—those who had been regularly and constitutionally elected Judges and then in office. The language is general, and each and every Judge in the State is subject to perform the duties required in this act, should the Governor require him.

In the second section of this act, the Judges of the superior court are required "to procded to hear and determine" such equity causes as might be referred to them, as directed in the first section. In the third section the Judges who may be required by the Governor to hold a special term of the circuit court in pursuance of this act, are required "to attend accordingly and proceed to try and determine the causes." And in the sixth section which authorises the Judges to continue said special term from time to time, &c. it is made his duty "to attend and proceed to the trial and determination of said causes."

Here then the law for the trial of particular causes by these special courts is complete without the ninth section of this act. The places of holding courts are pointed out; the kind of causes they are to try; the manner in which these causes are to be brought before them; and they are directed and required to "hear, try and determine" said causes.

Now let me ask, wherefore enact the 9th section of this act if that section relates only to the Judges in holding these special terms for the trial of particular causes? The law was perfect for that purpose without the 9th section, and the same requirements contained in that section are contained in three of the former sections of the act directing the duty of the Judges in holding the special terms. Are we to suppose the Legislature passed this section just for the sake of repetition? Surely not. To whom were the Legislature speaking in the 9th section? Most certainly to all the superior and circuit Judges in the State, prescribing a rule to govern their official conduct, not in the trial of causes at the special terms as that rule had been clearly laid down in former parts of the act, but in the trial of all the causes in all the courts in the State.

But there is an additional, and to my mind a conclusive argument proving that the 9th section is, and was designed to be, a general law. The Legislature in this section are creating, for the first time, an additional disqualification, to those mentioned in the constitution, to circuit Judges hearing and determining causes. The constitution had provided that no Judge shall sit on the trial of any cause where the parties shall be connected with him by affinity or consanguinity, or where they may be interested in the event of the cause. The Legislature had, before the passage of this section, enacted an additional disqualification as to the Judges of the superior court, to wit: their having been employed as counsel in the cause. In this section of the act, the Legislature extends their disqualification to circuit Judges. In the first and third sections of this act, provision is made wherever the circuit Judges are incompetent by law to hear and determine the causes before them, they shall transfer them to the superior court if they be equity causes, and if they be law causes to Knoxville and Nashville to be tried at the special terms provided for. Here all the circuit Judges of the State are required to do a particular duty. What is that duty? It is to transfer all causes that they are not competent to try to certain courts for trial. By what rule are they to determine what causes they are not competent to try? They know the disqualificatioes made by the constitution, but the Legislature determined to disqualify them to try causes in which they had been employed as counsel, and when the circuit Judges meet to hold their courts, they are to examine and transfer from their dockets all causes in which they have been employed and paid. Can it be supposed for a moment that the State of Tennessee would say to her circuit Judges, "when you hold a special court as directed by this act. you shall not try causes in which you had been employed and paid, but when you hold the regular courts in your own circuit you may try such causes? Has the Legislature in this act said to the citizens of the State—"When you may have a

cause that is transmitted to the special court held at Knoxville and Nashville for trial, you shall have a Judge to try it who shall be free from any bias from having been employed in the cause, and we will require him to sit, hear and determine your cause, but when you may have a cause pending and to be tried in the regular court, and by this very same Judge, he may try it although he had been employed and paid by your adversary, and in the trial of that cause we will not require him to sit, hear and determine it.

To give the construction to this act contended for by the Respondent's counsel, to wit; that it does not apply to the Circuit Judges, except when they may be engaged in holding Special Courts as directed in said act, would be to involve the Legislature in negligence, absurdity, folly, partiality and crime.

This never should be done, and particularly when a different construction can be given which is consistent, just, and sensible. I am very well convinced in my own mind that the 9th section of the act of 1817, chapter 82 is a general law laying down a rule which is to govern the official conduct of all the Supreme and Circuit Judges of this State, in all the Courts which they may be directed to hold.

It was admitted by counsel on both sides of this trial, and very correctly admitted, that if there was a breach of any *known prescribed law*, the Respondent would be guilty, no matter what were his *motives*, or whether any individual *injury* resulted. If an individual fail to comply with the rules laid down in a plain prescribed law he is liable to be punished as the constitution and laws may direct, and the law does not admit of an investigation into his motives in doing the act or of the individual *injury* that may have resulted from the act, with a view to determine whether he be guilty. If the motive should be good and no personal injury done, still, there is a violation of a positive law—motive or injury, or the absence of either cannot repeal a Statute.

The evidence heard on this trial proved that the Respondent left the bench and court house while causes were on trial before him. In some instances he directed the counsel to *proceed with the trial* in his absence. At different times he continued absent for a considerable length of time, while witnesses were examining, and counsel arguing in causes that were on trial before him. I would ask is such conduct proper in an officer who is sitting in judgment on the lives and liberties of our citizens? Is it consistent with his duty as prescribed in the act above alluded to? I think it is not, and therefore find him guilty on the first articles as before stated.

Were there no such statute in our statute book as this act of 1817, yet I believe a rule could be found in the common law, in the nature and character of the office of a circuit Judge, which prohibits such conduct in a Judge & subjects him to an impeachment

for a *misdemeanor in office*. It is not necessary to quote authorities in support of this position. Many might be and were quoted in argument, on this point, but being well satisfied on the first point I will say nothing more on this.

It is due to the accused to say in conclusion, that as no corruption was alleged against him in the articles of impeachment, neither has any corruption been proved on him in the whole course of the examination.

ROBT. M. ANDERSON.

The undersigned, members of the court of Impeachment, concur in the above opinion delivered by Mr. Anderson, one of the members of the court, as to the facts and law stated in said opinion; and we feel it due to ourselves to state, that the evidence as recapitulated by Mr. Anderson, as given on each specification, corresponds with the evidence as understood and taken by each and every one of us during the examination of witnesses.

JAS. I. GREENE,
H. FREY,
D. BURFORD,
WM. H. FIELD,
A. McCLELLAN,
LUCIUS J. POLK.

SENATE CHAMBER,
Nashville, Dec. 1, 1831.

I concur with Mr. Anderson, in opinion on the questions of of law in the cause—the State vs. Joshua Haskell, Judge of the 8th Judicial circuit, and in all the specifications on the first and second articles—except the third specification on the first article; on which specification, from my notes I was led to doubt and voted in the negative.

J. M. BRABSON.